

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 91-85

APPROVAL OF AN AMENDMENT TO
THE WATER QUALITY CONTROL PLAN FOR THE SANTA ANA
RIVER BASIN (BASIN PLAN) REVISING EXEMPTION CRITERIA
FOR USE OF SEPTIC TANK-SUBSURFACE LEACHING/PERCOLATION SYSTEMS

WHEREAS:

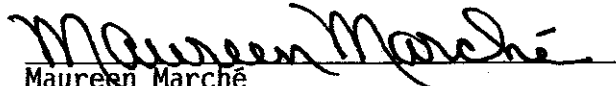
1. The California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Regional Board), adopted the amended Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) in November 1983.
2. On October 13, 1989, the Santa Ana Regional Board adopted Resolution No. 89-157 (Attachment 1) which, after finding substantial evidence of the existence of water quality problems, amended the Basin Plan by establishing minimum lot size requirements for use of on-site septic tank subsurface disposal systems (septic systems) including specific criteria for exemptions from these requirements.
3. On February 15, 1990, the State Water Resources Control Board (State Board) adopted Resolution No. 90-18 approving Santa Ana Regional Board's amendment.
4. On December 7, 1990, the Santa Ana Regional Board adopted Resolution No. 90-158 (Attachment 2) further amending the Basin Plan to incorporate revisions to the exemption criteria specified in Resolution No. 89-157 for use of septic systems.
5. On June 7, 1991, the Santa Ana Regional Board reconsidered Resolution No. 90-158 at a public hearing and adopted Resolution No. 91-51 (Attachment 3) which rescinded Resolution No. 90-158 and revised the exemption criteria contained in Resolution 89-157.
6. Santa Ana Regional Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
7. Sections 13245 and 13246 of the California Water Code specify that Basin Plan amendments adopted by a Regional Board do not become effective until approved by the State Board.
8. Santa Ana Regional Board Resolution No. 91-51 was adopted in accordance with State laws and regulations.

THEREFORE BE IT RESOLVED:

That the State Board approves the Santa Ana Regional Board's Basin Plan amendment which was adopted by Resolution No. 91-51 and which incorporates revisions to the exemption criteria adopted under Santa Ana Regional Board Resolution No. 89-157 for use of septic systems on lots smaller than one-half acre.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 26, 1991.


Maureen Marché
Administrative Assistant to the Board

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. 89-157

Resolution Amending the Water Quality Control Plan To Add
A Minimum Lot Size Requirement for New Developments Using
On-site Septic Tank Subsurface Leaching/Percolation Systems
Regionwide

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. A Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Regional Board on April 11, 1975, and approved by the State Water Resources Control Board (hereinafter State Board) on April 17, 1975.
2. An amended Basin Plan for the Santa Ana Region was adopted by the Regional Board on May 13, 1983, and approved by the State Board on October 20, 1983.
3. On April 14, 1989 and September 8, 1989, the Regional Board held public workshops, and on October 13, 1989, the Regional Board held a public hearing regarding nitrate problems in the ground waters of the Santa Ana Region and their relationship to high density developments on septic tank-subsurface disposal systems. Notice of the public workshops and hearing was given to all interested persons and published in accordance with Water Code Section 13244.
4. The Regional Board considered all testimony and evidence presented at the public workshops and the public hearing. Substantial evidence was presented to demonstrate that the discharge of waste from new individual disposal systems in developments with gross densities greater than one-half acre per dwelling unit will result in violation of water quality objectives, will impair future beneficial uses of waters, and will unreasonably degrade the quality of waters of the state.
5. In accordance with Section 13280 et. seq. of the California Water Code, the Regional Board has developed a proposed Basin Plan amendment to incorporate a minimum lot size requirement for new developments in the Region using septic tank-subsurface disposal systems.


6. In compliance with Public Resources Code Section 21000 et. seq. (CEQA), Regional Board staff prepared an environmental assessment evaluating the environmental impacts of the proposed amendment and its alternatives. Regional Board staff found that no significant adverse environmental impacts would result from implementation of the proposed Basin Plan amendment.
7. The Basin Plan Amendment must be approved by the State Board, as provided in Sections 13245 and 13246 of the California Water Code, before it becomes effective.

NOW THEREFORE, BE IT RESOLVED that:

1. The Regional Board hereby adopts an amendment to the Basin Plan incorporating a minimum lot size requirement of one-half acre (average gross) per dwelling unit for new developments in the Region using on-site septic tank-subsurface leaching/percolation systems. The following shall be included in the amendment:
 - a. The term "one-half acre" specified as the minimum lot size requirement shall mean an average gross area of land of one-half acre per dwelling unit. In the calculation of the average lot size, areas set aside for streets, curbs, commons, greenbelts, and other easements may be included.
 - b. A "new" development is hereby defined as a proposed tract, parcel, industrial or commercial development that has not been granted one or more of the following on or prior to September 7, 1989:
 1. 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.
 2. A conditional use permit.
 3. 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.
 - c. The minimum lot size requirement shall not apply to existing developments or to those tracts, parcels, industrial or commercial developments which have received one or more of the approvals listed in "b", above on or prior to September 7, 1989.

- d. The minimum lot size requirement shall not apply to those proposed residential tracts or parcels for which significant fees have been paid to an appropriate governmental agency (including but not limited to the county planning departments, county building and safety departments, county health departments, or the Regional Water Quality Control Board) on or prior to September 7, 1989.
 - e. A residential tract or parcel of ten acres or less or contiguous parcels or tracts of ten acres or less which are completely surrounded by tract(s) and/or parcel(s) with high density (i.e., less than one-half acre gross average per dwelling unit) residential developments and which have received or are eligible to receive zoning identical to that of the surrounding developments may be granted an exemption from this minimum lot size requirement, provided that all of the surrounding tract(s) and/or parcel(s) have been granted one or more of the approvals identified in "b", above, on or prior to September 7, 1989.
 - f. For new industrial/commercial developments, the wastewater flow for each one-half acre of land shall not exceed that from a three-bedroom, two-bath house as specified in the Uniform Plumbing Code (20 fixture units).
 - g. This minimum lot size requirement does not affect the lot size criterion for continuing exemptions in prohibition areas (1 acre minimum).
 - h. This minimum lot size requirement does not preclude the prescription of more stringent lot size requirements in specific areas if determined necessary to protect water quality.
2. The Executive Officer is directed to forward copies of this Resolution to the State Water Resources Control Board in fulfillment of the requirement of Section 13245 of the Water Code.
 3. The Regional Board requests that the State Board approve the proposed Basin Plan Amendment in accordance with Sections 13245 and 13246 of the California Water Code.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on October 13, 1989.


GERARD J. THIBEAULT
Executive Officer

California Regional Water Quality Control Board

Santa Ana Region

June 7, 1991

STAFF REPORT

ITEM: 5

SUBJECT: Basin Plan Amendment: Revision of Exemption Criteria for Use of Septic Systems on Lots Smaller Than One-Half Acre - Resolution No. 91-51

DISCUSSION:

Background

To protect the groundwater resources of the Region from nitrate contamination, on October 13, 1989, the Regional Board adopted a Basin Plan Amendment, Resolution No. 89-157, which requires a minimum of one-half acre per dwelling unit for the use of septic tank-subsurface disposal systems (septic systems) for new developments. On February 15, 1990, the State Water Resources Control Board (State Board) approved the Basin Plan Amendment.

Resolution No. 89-157 contains certain exemption criteria for use of septic systems on lots smaller than one-half acre. The exemption criteria were established mostly to accommodate projects for which a substantial amount of work was already complete at the time of adoption of the minimum lot size requirement. To date, a number of exemptions have been granted for the use of septic systems on lots smaller than one-half acre in accordance with the exemption criteria specified in Resolution No. 89-157.

On October 19, 1990, during the regular Regional Board meeting, the Board discussed possible revision of the exemption criteria and directed Board staff to prepare a Basin Plan amendment for the Board's consideration during the December 7, 1990 Board meeting.

On December 7, 1990, the Regional Board adopted Resolution No. 90-158 which revised the exemption criteria contained in Resolution No. 89-157. One of these revisions is a sunset clause for exemptions from the minimum lot size requirement granted for existing lots. However, upon further consideration of this matter, at its regular meeting on February 8, 1991, the Regional Board directed staff to bring back this item for reconsideration at another public hearing.

Existing Exemption Criteria (Resolution No. 89-157)

As specified in Resolution No. 89-157, new developments which meet one or more of the following criteria can be exempted from the one-half acre minimum lot size requirement:

1. The projects were approved on or prior to September 7, 1989.
2. Significant fees for the projects were paid to a governmental agency on or prior to September 7, 1989.
3. The project would result in in-filling of tracts or parcels of 10 acres or less which are completely surrounded by high density developments.

The Regional Board included these exemption criteria in Resolution No. 89-157 so that projects which had already made substantial progress could be completed without a significant financial impact. Most of these projects should have been completed by now. Therefore, the exemption criteria should be updated and/or eliminated. The following options were considered at the Board's October 19, 1990 meeting:

1. Completely eliminate all exemption criteria effective immediately.
2. Revise the exemption criteria to include additional restrictions, clarifications and/or sunset clauses.

Option No. 1, above, would not provide a reasonable time for the few remaining projects to get an exemption for septic system use. It was felt that there may be a few more projects which would genuinely qualify for an exemption.

Therefore, Option No. 2 was judged to be more appropriate.

Revisions to Exemption Criteria Adopted on December 7, 1990 (Resolution No. 90-158)

The following revisions to the exemption criteria were included in Resolution No. 90-158, which was adopted by the Board on December 7, 1990.

1. A sunset clause was added (12/31/91) for completing projects with prior approvals. Exemptions granted to these projects would expire on 12/31/91 unless a building permit is obtained by that date.
2. The exemption criterion based on fees paid was eliminated.

3. The number of acres for the exemption based on in-filling was limited to five. Also, the phrase "completely surrounded by high density residential developments" was clarified to include non-residential property such as schools, churches, public utilities, shopping centers, etc. A sunset clause (12/31/91) for these exemptions was added.
4. Exemptions for new developments on tracts/parcels which are 1000 feet or less from a sewer line were eliminated.

February 8, 1991 Discussion

During the regular Regional Board meeting on February 8, 1991, the Board directed staff to bring back this item for another public hearing. It has been brought to the Regional Board's and staff's attention that there are a large number of small lots (lots less than one-half acre) which have been approved by local planning authorities on or prior to September 7, 1989, but which have not been developed. Some of the owners of these lots have also indicated that there are no immediate plans to build on these lots. As such, requiring these lot owners to obtain a building permit by December 31, 1991 may be unreasonable. Several thousand lot owners may face financial hardships if these lots cannot be developed on septic systems. This information was not available to the Regional Board during the December 7, 1990 public hearing.

Proposed Changes - Resolution No. 91-51

The draft Basin Plan Amendment (Resolution No. 91-51) proposes the following with respect to the exemption criteria as specified in Resolution No. 89-157:

1. Continue exemptions for projects with prior approval (on or prior to September 7, 1989).
2. Eliminate the exemption criterion based on fees paid.
3. Limit the number of acres to five for the exemption based on in-filling and modify the "completely surrounded by high density residential developments" to include non-residential property such as schools, churches, public utilities, shopping centers, etc. Include a sunset clause (12/31/91) for exemptions based on the in-filling criterion.
4. Eliminate exemptions for lots, tracts and parcels which are 1000 feet or less from a sewer line.
5. Include an exemption criterion for existing lots combined to form a smaller number of new lots.

6. If adopted, Resolution No. 91-51 would rescind Resolution No. 90-158.

Alternatives:

The following alternatives to the Basin Plan amendment as proposed above were considered by staff:

1. No action: The exemption criteria as specified in Resolution No. 89-157, modified by Resolution No. 90-158, would continue. The sunset clause for exemptions for existing lots was incorporated in Resolution No. 90-158 because of the belief that most of the projects the Board intended to address with the criteria are now or will shortly be complete. However, the information received after the adoption of Resolution No. 90-158 indicates that there are several thousand lots under this category (less than one-half acre with approvals on or prior to September 7, 1989) which may not be developed in the near future. Therefore, requiring these lot owners to obtain building permits prior to December 31, 1991 is unreasonable. If this sunset clause is continued, the lots without a building permit by December 31, 1991 would be prohibited from using septic systems unless granted individual exemptions by the Board. Staff believes that this is not consistent with the Board's intent in adopting the minimum lot size requirement and exemption criteria.
2. Rescind Resolution No. 90-158 and continue the exemption criteria as specified in Resolution No. 89-157: Restriction or termination of some of the original exemption criteria, which have now served their intended purpose, has been deemed appropriate by the Board. Therefore, this alternative is not recommended.
3. The alternative recommended by staff is revision of the exemption criteria as described above and as shown in Resolution No. 91-51.

CEQA Requirements for Basin Plan Amendments

The basin planning process, which provides the mechanism for amending Basin Plans, has been determined to be functionally equivalent to the process required by the California Environmental Quality Act (CEQA) and is therefore exempt from the Environmental Impact Report process required by CEQA. Environmental review is nonetheless required. This review includes the preparation of a written report which describes the proposed project, identifies the potential adverse environmental impacts of that project and discusses possible alternatives and mitigation measures. This staff report serves as that written report.

The environmental review process also includes the preparation of an Environmental Checklist (Attachment 1). As noted, staff found that no significant adverse environmental impacts would result from the implementation of the Basin Plan amendment.

Specific public notice requirements pertaining to Basin Plan amendments have been fulfilled. A Notice of Public Hearing and Notice of Filing were published in newspapers of general circulation in Orange, Riverside and San Bernardino counties 45 days prior to this hearing. The Notice of Filing and Notice of Public Hearing were also submitted to the Secretary of Resources and the three county clerks and mailed to all interested persons and agencies. A Notice of Decision will be filed after the State Water Resources Control Board acts on this matter.

RECOMMENDATION:

Adopt Resolution No. 91-51 as presented.

Comments were solicited from the following agencies:

State Water Resources Control Board - Dean Schnaible
State Water Resources Control Board - Ted Cobb, Office of the Chief Counsel
State Department of Water Resources - Los Angeles
State Department of Health Services - San Bernardino, Santa Ana, San Diego
San Bernardino County Department of Environmental Health Services - Pam Bennett
San Bernardino County Building and Safety Department
Riverside County Department of Environmental Health Services - John Fanning
Riverside County Building and Safety Department
Orange County Health Care Agency - Robert Merryman
Orange County Environmental Management Agency - Development Services Division
City of Rialto - City Manager
City of Fontana - City Manager
City of Redlands - City Manager
San Bernardino County Board of Supervisors
Riverside County Board of Supervisors
Orange County Board of Supervisors
Mailing List

California Regional Water Quality Control Board

Santa Ana Region

RESOLUTION NO. 90-158

Resolution Amending the Water Quality Control Plan
by Revising the Exemption Criteria Specified in
Resolution No. 89-157
for

Use of Septic Systems on Lots Smaller Than One-Half Acre
Within the Boundaries
of the

California Regional Water Quality Control Board, Santa Ana Region
(portions of Orange, Riverside, and San Bernardino Counties)

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. A Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Regional Board on April 11, 1975, and approved by the State Water Resources Control Board (hereinafter State Board) on April 17, 1975.
2. An amended Basin Plan for the Santa Ana Region was adopted by the Regional Board on May 13, 1983, and approved by the State Board on October 20, 1983.
3. A Basin Plan Amendment (Resolution No. 89-157) establishing minimum lot size requirements for the use of on-site septic tank-subsurface disposal systems (septic systems) was adopted by the Regional Board on October 13, 1989 and approved by the State Board on February 15, 1990. Resolution No. 89-157 includes specific criteria for exemptions from the minimum lot size requirements.
4. At their regular meeting on October 19, 1990, the Regional Board reviewed the exemption criteria specified in Resolution No. 89-157 and determined that revision of these criteria was appropriate.
5. In accordance with Section 13280 et. seq. of the California Water Code, the Regional Board has developed a proposed Basin Plan amendment to revise the exemption criteria specified in Resolution No. 89-157 for use of septic systems on lots smaller than one-half acre. On December 7, 1990, the Regional Board held a public hearing to consider that Basin Plan amendment. Notice of the public hearing was given to all interested persons and published in accordance with Water Code Section 13244.
6. In compliance with Public Resources Code Section 21000 et. seq. (CEQA), Regional Board staff prepared an Initial Study evaluating the environmental impacts of the proposed amendment and its alternatives. Regional Board staff found that no significant adverse environmental impacts would result from implementation of the proposed Basin Plan amendment.

NOW THEREFORE, BE IT RESOLVED that:

1. The Regional Board hereby adopts an amendment to the Basin Plan incorporating revisions to the exemption criteria specified in Resolution No. 89-157 for use of septic systems on lots smaller than one-half acre. The following shall be included in the amendment:

a. Resolution No. 89-157, Section 1. c. shall be changed to read:

"The minimum lot size requirement shall not apply to existing developments where septic tank-subsurface disposal systems have been installed on or prior to September 7, 1989.

Those tracts, parcels, industrial or commercial developments which have received one or more of the approvals listed in "b", above, on or prior to September 7, 1989 shall be exempt from minimum lot size requirements for use of septic tank-subsurface disposal systems only up to and including December 31, 1991. This exemption criterion shall expire after that date. Further, exemptions granted under this criterion shall expire after December 31, 1991 unless the project applicant has obtained a permit from the building authority as of that date."

b. Resolution No. 89-157, Section 1. d. This criterion, which provides for exemption based on payment of significant fees prior to September 7, 1989, shall be eliminated.

c. Resolution No. 89-157, Section 1. e. shall be changed to read:


"A residential tract or parcel of five acres or less which is completely surrounded by tract(s) and/or parcel(s) with high density (i.e., less than one-half acre gross average per dwelling unit) residential developments and which has received zoning identical to that of the surrounding developments may be granted an exemption from the minimum lot size requirement, provided that all of the surrounding tract(s) and/or parcel(s) have been granted one or more of the approvals identified in b. 1, 2., and 3. [of Resolution No. 89-157], on or prior to September 7, 1989. Non-residential property such as schools, churches, public utilities, shopping centers, etc. which border the tracts/parcels in question shall be disregarded when conformance with this criterion is determined; conformance shall be based solely on the nature of the remaining developments surrounding the property. This exemption criterion shall expire after that date. Further, exemptions granted under this criterion shall expire after December 31, 1991 unless the project applicant has obtained a permit from the building authority as of that date."

- d. The following shall be added as Section 1. i. of Resolution No. 89-157:

"No exemptions shall be granted for new developments on tracts/parcels which are 1000 feet or less from a sewer which could serve that tract/parcel, barring legal impediments to such use."

2. Resolution No. 89-157 as amended by Resolution No. 90-158 shall be incorporated in the Basin Plan as a supplement to Chapter 4 (Implementation).
3. The Executive Officer is directed to forward copies of this Resolution to the State Water Resources Control Board in fulfillment of the requirement of Section 13245 of the California Water Code.
4. The Regional Board requests that the State Board approve the proposed Basin Plan Amendment in accordance with Sections 13245 and 13246 of the California Water Code.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on December 7, 1990.


GERARD J. THIBEAULT
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. 91-51

Resolution Amending the Water Quality Control Plan
by Revising the Exemption Criteria Specified in
Resolution No. 89-157

for
Use of Septic Systems on Lots Smaller Than One-Half Acre
Within the Boundaries

of the
California Regional Water Quality Control Board, Santa Ana Region
(portions of Orange, Riverside, and San Bernardino Counties)

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. A Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Regional Board on April 11, 1975, and approved by the State Water Resources Control Board (hereinafter State Board) on April 17, 1975.
2. An amended Basin Plan for the Santa Ana Region was adopted by the Regional Board on May 13, 1983, and approved by the State Board on October 20, 1983.
3. A Basin Plan Amendment (Resolution No. 89-157) establishing minimum lot size requirements for the use of on-site septic tank-subsurface disposal systems (septic systems) was adopted by the Regional Board on October 13, 1989 and approved by the State Board on February 15, 1990. Resolution No. 89-157 includes specific criteria for exemptions from the minimum lot size requirements.
4. At the regular meeting on October 19, 1990, the Regional Board reviewed the exemption criteria specified in Resolution No. 89-157 and determined that revision of these criteria was appropriate.
5. On December 7, 1990, the Regional Board, at a public hearing, adopted Resolution No. 90-158, which revised the exemption criteria specified in Resolution No. 89-157.
6. On February 8, 1991, the Regional Board directed staff to schedule this item (Resolution No. 90-158) for further consideration and a public hearing. Resolution No. 91-51 rescinds Resolution No. 90-158 and revises the exemption criteria contained in Resolution No. 89-157. This revision includes all the revisions of Resolution No. 90-158 except the sunset clause for existing lots.

7. In accordance with Section 13280 et. seq. of the California Water Code, the Regional Board has developed a proposed Basin Plan amendment to revise the exemption criteria specified in Resolution No. 89-157 for use of septic systems on lots smaller than one-half acre. On June 7, 1991, the Regional Board held a public hearing to consider that Basin Plan amendment. Notice of the public hearing was given to all interested persons and published in accordance with Water Code Section 13244.
8. In compliance with Public Resources Code Section 21000 et. seq. (CEQA), Regional Board staff prepared an Initial Study evaluating the environmental impacts of the proposed amendment and its alternatives. Regional Board staff found that no significant adverse environmental impacts would result from implementation of the proposed Basin Plan amendment.

NOW THEREFORE, BE IT RESOLVED that:

1. The Regional Board hereby adopts an amendment to the Basin Plan incorporating revisions to the exemption criteria specified in Resolution No. 89-157 for use of septic systems on lots smaller than one-half acre. The following shall be included in the amendment:
 - a. Resolution No. 89-157, Section 1. d. This criterion, which provides for exemption based on payment of significant fees prior to September 7, 1989, shall be eliminated effective immediately.
 - b. Resolution No. 89-157, Section 1. e. shall be changed to read:

"A residential tract or parcel of five acres or less which is completely surrounded by tract(s) and/or parcel(s) with high density (i.e., less than one-half acre gross average per dwelling unit) residential developments and which has received zoning identical to that of the surrounding developments may be granted an exemption from the minimum lot size requirement, provided that all of the surrounding tract(s) and/or parcel(s) have been granted one or more of the approvals identified in b. 1, 2., and 3. of Resolution No. 89-157, on or prior to September 7, 1989. Non-residential property such as schools, churches, public utilities, shopping centers, etc., which border the tracts/parcels in question shall be disregarded when conformance with this criterion is determined; conformance

1. b. (Cont'd)

shall be based solely on the nature of the remaining developments surrounding the property. This exemption criterion shall expire after December 31, 1991."

c. The following shall be added as Section 1. i. of Resolution No. 89-157:

"No exemptions shall be granted for new developments on tracts/parcels which are 660 feet or less from a sewer which could serve that tract/parcel, barring legal impediments to such use."

d. The following shall be added as Section 1. j. of Resolution No. 89-157:


"In some cases, 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 1. b., 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."

2. Resolution No. 89-157, as amended by Resolution No. 91-51, shall be incorporated in the Basin Plan as a supplement to Chapter 4 (Implementation).
3. Resolution No. 90-158 is hereby rescinded.
4. The Executive Officer is directed to forward copies of this Resolution to the State Water Resources Control Board in fulfillment of the requirement of Section 13245 of the California Water Code.
5. The Regional Board requests that the State Board approve the proposed Basin Plan Amendment in accordance with Sections 13245 and 13246 of the California Water Code.

Resolution No. 91-51
Basin Plan Amendment

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I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on June 7, 1991.


GERARD J. THIBEAULT
Executive Officer