

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

733



FROM: Community Health Agency/Environmental Health

SUBMITTAL DATE:
July 13, 2006

SUBJECT: Ordinance No. 856, an Ordinance of the County of Riverside Establishing a Septic Tank Prohibition for Specified Areas of Quail Valley and Requiring the Connection of Existing Septic Systems to Sewer

RECOMMENDED MOTION:

1. That the Board introduce and set for public hearing the adoption of Ordinance No. 856, Establishing a Septic Tank Prohibition for Specified Areas of Quail Valley and Requiring the Connection of Existing Septic Systems to Sewer.
2. That the Board authorize the Clerk to place an advertisement for the Public Hearing in the appropriate local publications.
3. That upon the close of the Public Hearing the Board adopt Riverside County Ordinance No. 856 and direct the Clerk to post Notice of Exemption for Amendment to Ordinance No. 856.

BACKGROUND:

Quail Valley is an unincorporated area located northeast of the City of Canyon Lake that is not served by a sewer system. It consists of 3981 residential lots, less than 1/3 of which have been developed to date.

(Cont.)

DM:GR

Gary Root
Gary Root, Director

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

Lisa Bravell

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended, setting the matter for public hearing on Tuesday, August 29, 2006 at 1:30 p.m.

Ayes: Buster, Stone, Wilson and Ashley
Nays: None
Absent: Tavaglione
Date: July 25, 2006
xc: CHA/Env. Htlh., COB(2) NR

Nancy Romero
Clerk of the Board
By: *Nancy Romero*
Deputy

Prev. Agn. Ref.:

District: 3

Agenda Number:

16.2

UNAPPROVED COUNTY COUNSEL

JUL 13 2006

Departmental Concurrence

Policy

Policy

Consent

Consent

Dep't Recomm.:

Per Exec. Ofc.:

July 13, 2006

Background Continued

The vast majority of the lots are very small, many at or below 5000 square feet, and do not meet current (20,000 square feet) size requirements as established by the Santa Ana Regional Water Quality Control Board. The lots are exempt from the current minimum size as they are pre-existing. Due to the lots sizes, poor soil conditions and high groundwater there are numerous and frequent septic system failures, especially during wet seasons. Many of the systems are affected by, and in turn contribute to, surfacing groundwater to the point where there are now year-round surface flows of contaminated water through parts of the community. In addition, this surfacing water is flowing into and through areas in the City of Canyon Lake and ultimately into Canyon Lake itself. The presence of this water, contaminated by septic waste, creates a grave potential threat to the health of the people in the area.

Canyon Lake is listed as an impaired water body, under the conditions of the Clean Water Act, for nutrients and pathogens, both of which are present in septic wastes. The County is under a legal mandate to provide significant reductions to the flow of these contaminants into the lake. While it is not believed that the Quail Valley septic discharges are the only source of these contaminants, it is clear that control of these discharges is essential to the County efforts to meet that mandate.

The Department of Environmental Health has initiated a number of refinements to our review process for septic systems and has drafted revisions to the local Ordinance (County Ordinance No. 650) to preclude many lots that would otherwise be contributory to the surfacing septic waste. However, staff believe that, due to the pervasive bedrock conditions and small lot sizes a lot may pass the standard tests but still contaminate the surfacing groundwater.

Septic Systems Prohibited

The proposed Ordinance will prohibit new septic systems in two designated areas of Quail Valley (#4 & #9 on attached map). This action will affect approximately 1530 lots; 59% of the remaining undeveloped lots in these areas. These areas were selected due to the almost continuous presence of surfacing groundwater, and the subsequently highest risk to the current inhabitants. These areas also include the smallest remaining undeveloped lots in the community.

The Ordinance also mandates the connection of all existing homes in Quail Valley to a sewer system within 1 year of its availability. The Santa Ana Regional Water Quality Control Board is also pursuing a resolution with the same requirements, and we are recommending that the County Ordinance become effective concurrent with the Water Board's resolution.

Sewer Study

The Eastern Municipal Water District has performed a feasibility study to provide a sewer system to transport the wastewater to an existing treatment facility, estimating a "life cycle costs (75 years) of up to \$72 million. By declaring a potential health hazard and instituting a moratorium on new septic systems, this sewer project becomes eligible for State and Federal grants to help defray the implementation costs.

1 **E.** These failures lead to the discharge of untreated sewage to the surface of the
2 ground, mixing with other run-off water that directly impacts the residents of the
3 community and can pollute the runoff water during rain events; and

4 **F.** Storm water runoff from this area drains almost directly into Canyon Lake
5 which is listed by the USEPA as an impaired water body due to excessive
6 concentrations of bacteria, nitrogen and phosphorus, all of which are present in
7 septic wastes, and

8 **G.** Resolution No. R8-2004-0037 established by the SARWQCB and approved by
9 the USEPA requires the County of Riverside to institute Regulations and Programs
10 to reduce the level of the nitrogen and phosphorus going into Canyon Lake; and

11 **H.** Further requirements are being developed by the SARWQCB that will require
12 the County of Riverside to institute regulations and programs to reduce the level of
13 the pathogens going into Canyon Lake; and

14 **I.** The Department believes that, due to the small lot sizes, high population
15 density, historical failure rates, poor soil conditions and variable groundwater
16 levels that any new septic system being installed in the prohibited areas as defined
17 in Section 3 of this Ordinance has an unacceptably high probability of either failing
18 on-site or otherwise contributing to the pollution levels in and from the community;
19 and

20 **J.** In light of the above findings a potential health hazard exists in the Quail
21 Valley area due to the lack of an effective sewer system; and

1 **K.** The SARWQCB has drafted and is pursuing Basin Plan Amendment 2006-
2 0024 to include a Waste Discharge Prohibition on the use of Onsite Septic Tank-
3 Subsurface Disposal Systems in the Quail Valley area of Riverside County; and

4 **L.** The Eastern Municipal Water District has completed a feasibility study for a
5 sewer system that will transport the wastewater to an existing treatment facility and
6 thereby address the potential health issues related to failing or inadequate septic
7 systems; and

8 **M.** The Uniform Plumbing Code, referenced as the County’s standard for
9 plumbing design and installation by Riverside County Ordinance No. 457, states in
10 Appendix K, Section (g) “When there is insufficient lot area or improper soil
11 conditions for adequate sewage disposal for the building or land use proposed, no
12 building permit shall be issued and no private sewage disposal shall be permitted.”

13
14 **SECTION 2. DEFINITIONS**

15 **A.** “Department” shall mean the Riverside County Department of Environmental
16 Health.

17 **B.** “Feasibility study” shall mean the study prepared by PBS&J for the Eastern
18 Municipal Water District, entitled “Quail Valley Sewer Improvements Alternatives
19 Study”, dated August 2005, regarding the feasibility of a sewer system in the Quail
20 Valley Area.

21 **C.** “Prohibited area” shall mean the areas located within sub areas four (4) and
22 nine (9) as identified in the Quail Valley Boundary Map.

1 D. "Quail Valley area" shall mean the areas north and east of the City of Canyon
2 Lake on either side of Goetz Road described and depicted on the maps created for
3 the Eastern Municipal Water District feasibility study.

4 E. "Quail Valley Boundary Map" shall mean the map identified as Figure 4 of the
5 Feasibility study as defined above and on file at the Department.

6 F. "SARWQCB" shall mean the State of California Santa Ana Regional Water
7 Quality Control Board.

8 G. "USEPA" shall mean the United States Environmental Protection Agency.

9

10 **SECTION 3. PROHIBITIONS**

11 A. No new septic systems shall be approved or installed for any lot or parcel
12 within the prohibited area after the date this Ordinance becomes effective.

13 B. No existing system in the prohibited area shall be expanded or otherwise
14 modified to accommodate new construction and/or additional wastewater
15 generating fixtures or appliances.

16

17 **SECTION 4. REPLACING OR REPAIRING EXISTING SYSTEM**

18 A. In the event that an existing system requires replacement or repair, such
19 replacement may be approved and installed, subject to the existing requirements of
20 Riverside County Ordinance No. 650.

21 B. If and when a decision is formally made to provide sewer service to the area, a
22 holding tank may be provided as a substitute for replacement of an existing system
23 subject to the conditions in Riverside County Ordinance No. 650.

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SECTION 5. MANDATORY CONNECTION TO SEWER

All existing septic tank-subsurface disposal systems within the Quail Valley area shall connect to the sewer designed to serve the lot within one year of sewer installation.

SECTION 6. REQUIREMENT FOR COMPLIANCE


Non-compliance with this Ordinance shall be deemed a violation of Riverside County Ordinance No. 650

SECTION 7. SEVERABILITY

If any clause, provision, sentence, or paragraph of this Ordinance or the application thereof, is deemed to be invalid as to any person, entity, establishment, or circumstance, such invalidity shall not affect the other provisions of the Ordinance which shall remain in effect.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the date of its adoption or upon the effective date of Basin Plan Amendment 2006-0024 whichever is later.

FORM APPROVED
COUNTY COUNSEL
JUL 13, 2006
BY 

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

Tony Carstens · Agency Director

Planning Department

Robert C. Johnson · Planning Director

NOTICE OF EXEMPTION

June 6, 2006

PROJECT CASE NO./TITLE: Ordinance No. 856 (Establishing a Septic Tank Prohibition for Specified Areas of Quail Valley and Requiring the Connection of Existing Septic Systems to Sewer)

PROJECT SPONSOR: County of Riverside

PROJECT LOCATION: Specified Areas of Quail Valley in the Unincorporated Areas of Riverside County

PROJECT DESCRIPTION: Ordinance No. 856 establishes the prohibition of new or expanded or otherwise modified existing septic systems; requires that replacement or repair of existing septic systems be subject to Ordinance No. 650; and, requires mandatory connection of existing septic tank-subsurface disposal systems to sewer within one year of sewer installation. This Ordinance is in response to Resolution No. R8-2004-0037 established by the SARWQCB and approved by the USEPA and the SARWQCB Basin Plan Amendment 2006-0024.

The Planning Department has found that the project is exempt from the provisions of CEQA based on the following: Actions by regulatory agencies for protection of natural resources and for protection of the environment as authorized by State or local ordinance are categorically exempt under CEQA. Additionally, the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) is a certified State regulatory program and exempt under CEQA.

State CEQA Guidelines: Section 15251(g), 15307 and 15308.

Findings:

1. The proposal is located within the unincorporated areas of Riverside County.
2. The proposed will not have adverse effects upon the environment.
3. The proposal, will not individually or cumulatively, have an adverse effect on wildlife resources.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Robert C. Johnson, Planning Director


Ron Goldman, Assistant Planning Director

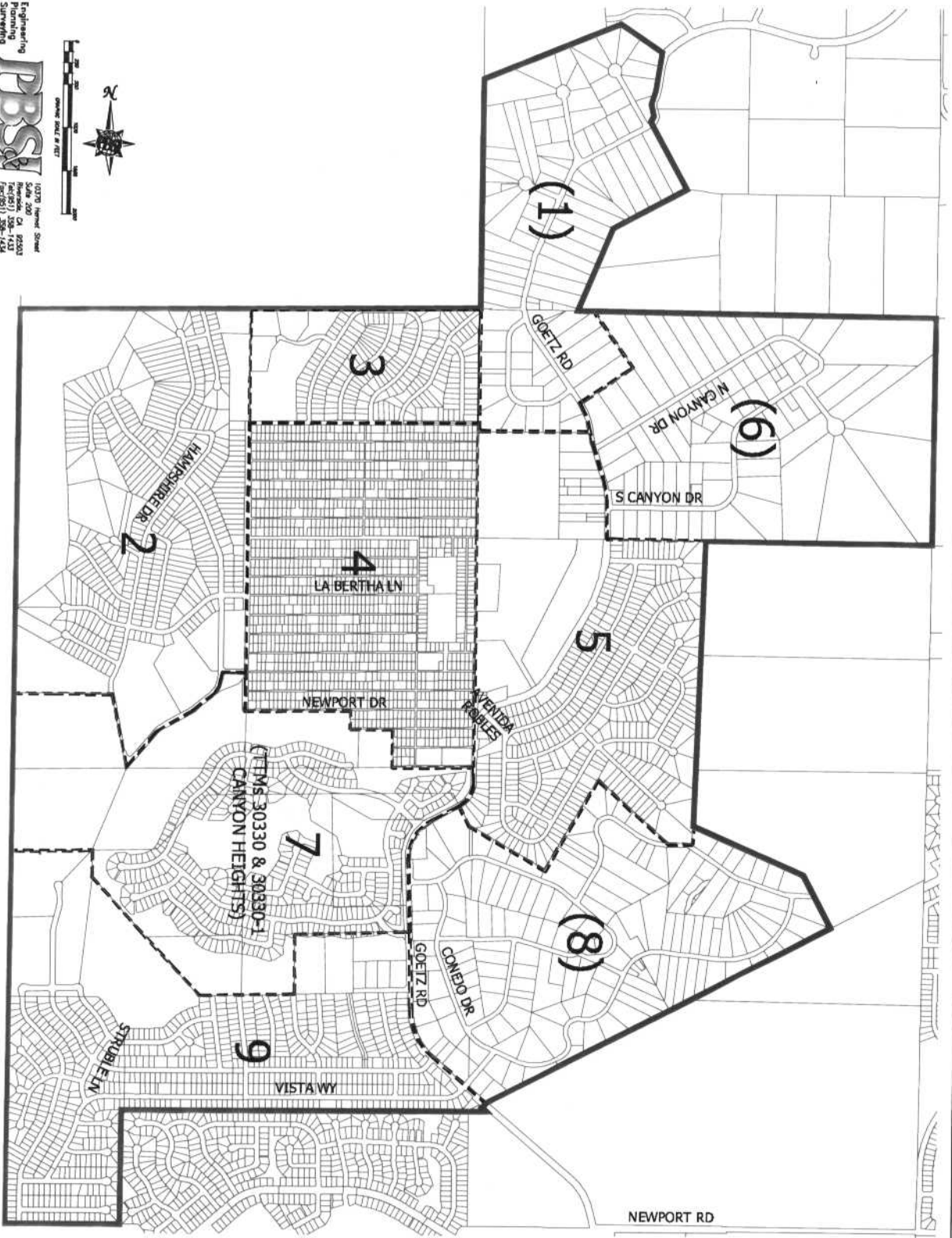
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FOR COUNTY CLERK USE ONLY
Charge deposit fee case Z

Riverside Office: 4080 Lemon Street, 9th Floor
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(951) 955-3200 · Fax (951) 955-3157

Indio Office: 82-675 Hwy 111, 2nd Floor
Room 209, Indio, California 92201
(760) 863-8277 · Fax (760) 863-7555

Murrieta Office: 39493 Los Alamos Road.
Murrieta, California 92563
· Fax (951) 600-6145



QUAIL VALLEY
 EMMWD
 STUDY AREA SUBAREAS
 BY: KJO - DATE 10/05 **FIG. 4**