

**TO: JAMES L. APP, CITY MANAGER**  
**FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR**  
**SUBJECT: USE OF SEPTIC SYSTEM – 75 21<sup>st</sup> Street (BERTONI, APN 008-431-002)**  
**DATE: FEBRUARY 18, 2003**

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**Needs:** Consider a request to allow installation of a septic tank and leach field for the purposes of on-site wastewater disposal at 75 21<sup>st</sup> Street.

- Facts:**
1. The applicants, John and June Bertoni, have submitted building plans for a new residence at 75 21<sup>st</sup> Street, approximately ¼ mile west of Vine Street (Map/Attachment 1).
  2. Pursuant to Municipal Code Section 14.08.020, construction of any septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage may be permitted only if sewer is not available.
  3. The closest sewer is in 21<sup>st</sup> Street, approximately 1,500 feet east of the subject property, as indicated in Attachment 1.

**Analysis  
and**

**Conclusion:** Section 14.08.020, D of the Paso Robles Municipal Code (“Sewerage System Operations”) states that “All new buildings shall connect to the sewerage system, and all land development projects shall include provisions for future buildings to connect to sewerage system. Exceptions will be allowed only when granted by city council approval of a septic system permit, in accordance with Section 14.08.070 of this chapter.”

Section 14.08.070, C, 10 states that “Permission may be granted by the city for a septic tank to be constructed to serve a building that is located in an area where sewers are not available, as determined by the city, when consistent with the provisions provided in this section. This permission will not overrule negative action for septic tank installation by the San Luis Obispo County health department or the State Water Quality Control Board.”

At the current time, the nearest available sewer is located in 21<sup>st</sup> Street, 1,500 feet east of the subject property. Prior to installation of the septic tank, if authorized by Council, the applicant will be required to sign an agreement, in a form to be approved by the City Attorney, that he will consent to future formation of an assessment district if said district is established by the City Council for the purposes of constructing sewers to serve the subject property, and that he will connect to the City System when a sewer main is 200 feet from his property line and he is directed to do so by the Director of Public Works.

In addition, the applicant will be required to comply with the City's Sewer Ordinance as well as the requirements stated in the Memorandum of Understanding between the City and the California Regional Water Quality Control Board (CRWQCB). These requirements include, but are not limited to, design guidelines and the applicant's agreement to pay certain fees in order for the City to perform annual monitoring of the proposed septic tanks.

**Policy**

**Reference:** Paso Robles Municipal Code Section 14.08.020 – Sewerage System Operations

Resolutions No. 94-116 and 95-02 – Memorandums of Understanding (MOU) between the City and CRWQCB

Uniform Plumbing Code Section 713.4

**Fiscal**

**Impact:** None.

**Options:**

- a. Adopt Resolution No. 03-xx authorizing installation of a septic system at 75 21<sup>st</sup> Street (APN 008-431-002), contingent upon the applicants entering into an Agreement, subject to the approval of the City Attorney, to participate in the formation of a future assessment district to extend the sewer line to their property, and with the design of the septic system subject to the approval of the Regional Water Quality Control Board, and that the applicants' sewer system be designed in conformance with all requirements indicated in Section 14.08.070 (Sewerage System Operations) of the Paso Robles Municipal Code. The obligations and covenants of the Agreement shall run with the land and shall be binding on the successors and assigns of the applicants.
  
- b. That the City Council amend, modify or reject the above option.

Attachments: (2)

- 1) Location Map
- 2) Resolutions

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

CITY OF PASO ROBLES  
COMMUNITY DEVELOPMENT DEPT.  
1000 SPRING STREET  
PASO ROBLES, CA 93446

ATTN.: CITY ENGINEER

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RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING USE OF A SEPTIC SYSTEM AT PROPERTY LOCATED AT 75 21<sup>ST</sup> STREET  
(BERTONI, APN 008-431-002)

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WHEREAS, the City of Paso Robles has received an application to utilize a septic tank and leach field for a proposed single family residential lot located at 75 21<sup>st</sup> Street (APN 008-431-002); and

WHEREAS, Section 14.08.020 of the Paso Robles Municipal Code (PRMC) prohibits septic systems within the City limits, unless sewer facilities are not available; and

WHEREAS, the nearest sewer system is approximately 1,500 feet from the site of the proposed residence; and

WHEREAS, Section 14.08.070 ("Sewerage System Operations") of the PRMC states that sewers are not reasonably available to serve a given property when they are generally more than two hundred feet from the property.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council adopt this Resolution authorizing use of a septic tank and leach field at the aforementioned project site.

SECTION 2. That the applicant comply with the City's requirements and procedures regarding the use of septic tanks, including, but not limited to, payment of monitoring fees, construction of a dry sewer lateral, or any other items necessary as required by the California Regional Water Quality Board and/or the Director of Public Works.

SECTION 3. That the applicant, at his/her sole expense, is required to connect to a future sewerage system immediately upon receipt of written notification by the City Engineer of such availability in accordance with provisions of the Operations Code.

SECTION 4. That the applicant shall, prior to constructing said connection, pay all connection and sanitary sewer main extension and reimbursement fees in effect at the time.

SECTION 5. That upon connection to a future sewer system, the applicant is required to properly abandon the existing septic system within sixty (60) calendar days of connection.

SECTION 6. The obligations and covenants of the applicant shall run with the land and shall be binding on the successors and assigns of the applicant and shall inure to the benefit of the City of Paso Robles, its successors and assigns.

BE IT FURTHER RESOLVED that the City Clerk of the City of Paso Robles cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 18<sup>th</sup> day of February 2003 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk