

**TO:** James L. App, City Manager  
**FROM:** Robert A. Lata, Community Development Director  
**SUBJECT:** Use of Septic System – 2500 Dry Creek Road (Hogue)  
**DATE:** June 17, 2003

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**Needs:** Consider a request to allow septic tank usage with the development of a single-family residence at 2500 Dry Creek Road, west of Airport Road (APN 025-431-031)

- Facts:**
1. The property owner of the referenced property, located at 2500 Dry Creek Road, west of Airport Road, are seeking City Council approval to install a septic tank and leach system on their property (see application) to accommodate the construction of a new single family residence. The property is currently vacant.
  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. A sanitary sewer main (the Airport Sewer Main) is available *on* the subject property. The sewer main is located approximately 400 feet from the location of the proposed single-family residence.

**Analysis  
and**

**Conclusion:** The applicant is formally requesting permission from the City Council for use of a septic system at the referenced location.

Municipal Code Section 14.08.070, K, 1 states that “Permission to construct a septic tank and leach line or other private sewage disposal system may be granted only when the provisions of this code have been met.”

Municipal Code Section 14.08.070, K, 2 states that “When it has been determined by the City Council that sewers are not reasonably available to serve a given property (generally more than two hundred feet from the *property*) which is within the City, the owner meeting provisions of this code, may request of the City Council a permit granting permission for the construction of a septic tank and leach line or private disposal system to serve said property.”

The applicant’s property is comprised of 116 acres. The Airport Sewer Main is located on the applicant’s property, however, it is approximately 400 feet from the location of the proposed single family residence. The Director of Public Works recommends that the applicant be required to connect to the Airport Sewer Main.

**Policy**

**Reference:** Paso Robles Municipal Code Section 14.08.070 – Sewerage System Operations

Resolutions No. 94-116 and 95-02 – Memorandums of Understanding (MOU) between the City and the Regional Water Quality Control Board.

**Fiscal**

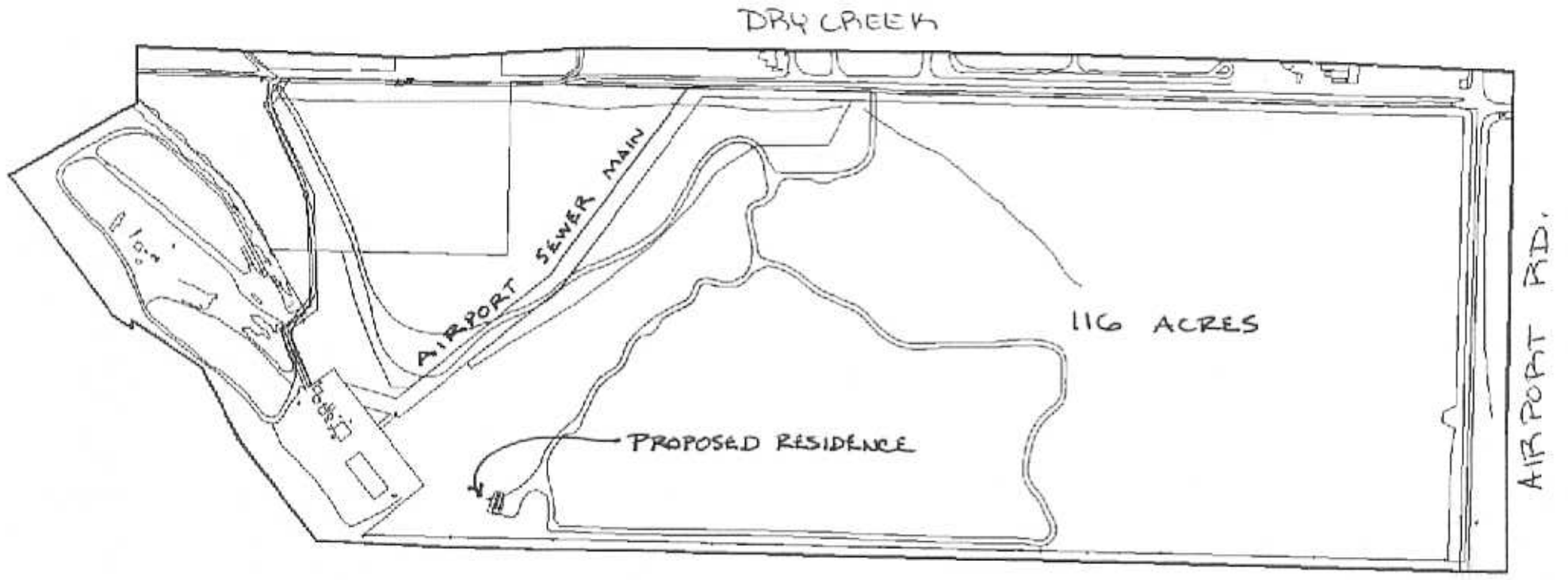
**Impact:** None.

**Options:**

- a. Deny request to use a septic system on property at 2500 Dry Creek Road, and direct applicant to extend a private sewer line from the proposed single-family residence to tie into the Airport Sewer Main on the subject property.
- b. Adopt Resolution No. 03-xxx authorizing use of a septic system for a proposed single-family residence at 2500 Dry Creek Road (APN 025-431-031) subject to Conditions “A” through “K”, as stated in Municipal Code Section 14.08.070 K 4 “Conditions”.
- c. Amend, modify or reject the above options.

Attachments: (4)

- 1) Application for Septic Tank Use, Hogue
- 2) Site Plan
- 3) Letter From Hogue
- 4) Resolution



HOGUE EXHIBIT

# HOGUE<sup>®</sup>

INCORPORATED

P.O. BOX 1138 • PASO ROBLES, CA 93447 • PHONE: (805) 239-1440 • (800) 438-4747 • FAX: (805) 239-2553 • e-mail: getgrip@hogueinc.com



2-26-03

City of Paso Robles

RE: 2500 Dry Creek Road

To whom it may concern,

The building application and documentation being submitted is for the caretakers residence as depicted in our previous applications with the city and is referenced in Resolution 00-38 authorizing the use of our non-city water well for its needs.

Also attached is our application for Septic tank use that I am asking to be allowed even though the city sewer runs through the property. The building site is well over 200 feet from the sewer and in light of the small usage I hope you will agree a septic system is appropriate.

This house will be occupied by my son Neil Hogue. Neil has been living on the property in a 5<sup>th</sup> wheel for quite some time caring for the property. This is an ideal opportunity for him to establish permanent and affordable residence.

Any further questions please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Hogue".

Aaron Hogue



RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

CITY OF PASO ROBLES  
DEPT. OF COMMUNITY DEVELOPMENT  
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  
2500 DRY CREEK ROAD (HOGUE) - APN 025-431-031

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WHEREAS, the City of Paso Robles has received an application for use of a septic tank for a proposed single family residence located at 2500 Dry Creek Road, west of Airport Road (APN 025-431-031); and

WHEREAS, Code Section 14.08.020 prohibits septic systems within the City limits, unless sewer facilities are not available; and

WHEREAS, the nearest sewer system is approximately 400 feet from the site of the proposed residence; and

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

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council approves continued use of a septic tank at 2500 Dry Creek Road (APN 025-431-031).

SECTION 2. That the applicant complies with conditions as stated in Municipal Code Section 14.08.070, K, 4 as follows:

- a.** Consent to future formation of an assessment district if said district is established by the city council for the purpose of constructing sewers to serve said property. Said agreement shall be in a form acceptable to the city attorney and recorded as affecting real property interests.
- b.** Connect said property to the city sewer system, when available and directed to do so by the city council, unless otherwise specified by the city, such connection shall be completed within six months of the date of receipt of said notification.

- c.** Construct septic tank and appurtenances in accordance with requirements of the State Water Quality Control Board, Central Coast Basin, County Health Department, Uniform Plumbing Code as modified within Title 17 of this code, and department of public works standard details and specifications.
- d.** Operate and maintain the private sewage disposal system and facilities in a sanitary manner at all times, at no expense to the city.
- e.** Grant to the city authority to enter premises for periodic inspection to ensure proper operation and maintenance. Said authority shall be conveyed in writing by the owner of the property and shall be binding upon all future owners, heirs, lessees, or occupants.
- f.** Grant to the city authority to enter premises in the event of an emergency involving the system or a nuisance created by the system, which, in the sole opinion of the city, county health department or State Water Quality Control Board creates a hazard, which threatens the health and safety of the citizens. The owner shall follow the instructions of the city, and any service rendered pursuant to such instructions shall be paid for by the owner. When a health hazard or nuisance is determined to exist or water quality is threatened, the city may revoke certificates of occupancy for buildings utilizing the private system.
- g.** Abandon private system in the time established in this section when an order to do so has been issued by the City Council or its designated representative.
- h.** When a sewer main is available and owner is directed to connect to said main, the owner shall reimburse city, or the installer through the city reimbursement account, for a prorated share of the cost of the installation of sewer mains, which provide service to the applicant's property, as, directed by city. City shall determine the rate of proration shares of reimbursement.
- i.** Concurrently with the installation of a private septic system, construct a dry sewer lateral from building plumbing system to the adjacent right-of-way or property line as directed by the city engineer. The line, grade, size and provision for clean-outs of said dry sewer lateral line shall be reviewed by and approved by the city engineer.
- j.** For private septic systems that are approved for permanent use, dual leach fields shall be installed with initial construction. A diverter valve shall be installed to control drainage into either or both leach fields. Each leach field shall be designed to handle one hundred percent of the design flow.
- k.** For private septic systems that are approved for temporary use (i.e., five years or less), only one leach field may be required. However, an additional area shall be designated, tested for adequacy as a leach field for use and maintained free from any installation which could inhibit the potential use of said area as a leach field should the first leach field installed be determined by the state, county, or city to have failed or be inadequate in any way.

SECTION 3. 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 17th day of June 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

**ALL ATTACHMENTS TO THIS STAFF REPORT MAY NOT BE AVAILABLE  
IN DIGITAL FORMAT FOR VIEWING ON-LINE.**

A hard-copy of the complete agenda packet, along with all staff reports, exhibits and attachments, is available for review in the City Clerk's Office.

**Packets are also available for loan from the City Library,  
beginning on the Friday before each Council meeting.**