

**TO:** James L. App, City Manager  
**FROM:** Robert A. Lata, Community Development Director  
**SUBJECT:** Request for Service with Septic Systems, Tract 2521 (Bertoni)  
**DATE:** August 5, 2003

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**Needs:** For the City Council to consider the request from John Bertoni to service nine lots (including two with existing houses on septic systems) with septic systems as part of the development of Tract 2521. ( See Attachment; Tentative Tract Map)

**Facts:** 1. We have received an application from John Bertoni for Tentative Tract 2521 located at 75 21<sup>st</sup> Street. Tract 2521 is a subdivision of two existing lots into nine lots. The property consists of 11.9 acres and each lot is proposed to be at least one acre in size.

2. Municipal Code Section 14.08.020D states;

*"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. For any subdivisions of land, where utilization of septic systems for any resulting lots or parcels is contemplated, the City Council must first make a specific finding that such parcels will be able to comply with all provisions of the state of California Regional Water Quality Control Plan, Central Coast Basin (Basin Plan – Resolution No. 83-12) septic system prohibitions and all provisions of the city's current memorandum of understanding with said board."*

3. Municipal Code Section 14.08.070 states;

*"It shall be the goal of the City to provide the City's sewage system to all premises within the boundaries of the City."*

4. Currently, the nearest sewer is located in 21<sup>st</sup> Street, just west of Olive Drive, approximately 1,600 feet from the Bertoni property. Sewer is proposed to be extended in 21<sup>st</sup> Street approximately 400 feet to the west by Charnley, with the development of his parcel map on Villa Lane. That extension would leave Bertoni approximately 1,200 feet from existing sewer.

5. The Almond Springs Tract 1215, located adjacent to and east of the Bertoni property, was approved for use of septic systems in the late 80's, prior to the adoption of the aforementioned Code sections.

**Analysis  
and  
Conclusion**

Municipal Code Section 17.04.050 provides criteria for the design of septic systems. Although evidence (percolation tests) has not been provided to date, it is anticipated that the applicant can demonstrate that septic systems in Tract 2521 will comply with the City Code for the design of septic systems and will comply with the prohibitions stated in Regional Board Resolution 83-12.

The Public Works Department consistently recommends that all new development connect to sewer. With respect to Tract 2521, their recommendation is that the subdivider extend the sewer in 21<sup>st</sup> Street to serve the subdivision.

Approval of the subject request for septic systems to serve a nine (9) lot subdivision would seem inconsistent with the purpose and intent of Municipal Code Section 14.08.070.

**Policy**

**Reference:** Municipal Code Section 14.08.020D  
Memorandum of Understanding with Regional Water Quality Control Board

**Fiscal**

**Impact:** None

**Options:** That the City Council consider one of the following options:

- a. Adopt Resolution 03-xx denying a request for the use of septic systems for lots in Tract 2521.
- b. Adopt Resolution 03-xx authorizing use of septic systems for lots in Tract 2521.
- c. That the City Council amend, modify or reject the above options.

Attachments: (1)

1. Tentative Tract Map 2521

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 SEPTIC SYSTEMS FOR LOTS IN TRACT 2521 (BERTONI)

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WHEREAS, the City of Paso Robles has received an application for use of septic systems for a proposed subdivision of two lots into nine located at 75 21<sup>st</sup> Street, west of Almond Springs Drive; 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 1,600 feet from the site of the proposed subdivision; 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 the use of septic systems for Tract 2521 at 75 21<sup>st</sup> Street.

SECTION 2. That the septic systems in Tract 2521 comply 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. These obligations and covenants shall run with the land and shall be binding on the successors and assigns of the lots 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 5th day of August 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

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  
DENYING A REQUEST FOR USE OF SEPTIC SYSTEMS FOR LOTS IN TRACT 2521  
(BERTONI)

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WHEREAS, the City of Paso Robles has received an application for use of septic systems for a proposed subdivision of two lots into nine lots located at 75 21<sup>st</sup> Street, west of Almond Springs Drive; and

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

WHEREAS, sewer is available to the subdivision in 21<sup>st</sup> Street, 1,600 feet west of the site of the proposed subdivision; and

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council denies the use of septic systems for lots in Tract 2521 at 75 21<sup>st</sup> Street.

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 5th day of August 2003 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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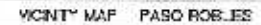
Frank R. Mecham, Mayor

ATTEST:

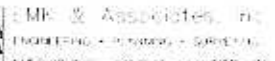
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Sharilyn M. Ryan, Deputy City Clerk

TRACT 125  
ALMOND SPRINGS ESTATES



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