

**TO: James L. App, City Manager**  
**FROM: Robert A. Lata, Community Development Director**  
**SUBJECT: Request for Service with Septic Systems, Tract 2521 (Bertoni)**  
**DATE: October 21, 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. Municipal Code Section 14.08.070K5 states;

*“When permission to construct a private disposal system has been granted by the city under the provisions of this section, the owner shall retain the right to service from the private system in no event longer than ten years from the date of issuance of a permit. Should the city sewerage system remain unavailable for connection thereto, the current owner of the property may reapply to the city for a time extension for said permit”*

6. The Almond Springs Tract 1215 located adjacent to and east of the Bertoni property, was approved for use of septic systems in 1984, prior to the adoption of the aforementioned Code sections. There are no conditions related to the approval of Tract 1215 that require those property owners to connect to sewer should it become available.
7. At their meeting of August 5, 2003, the City Council continued discussion to the August 19, 2003 City Council meeting to allow staff time to gather additional information. At their meeting of August 19, 2003, the City Council continued discussion of this item to give the applicant the opportunity to review all requirements related to the installation of septic systems. The applicant has requested that this item be brought before the City Council for consideration at their meeting of October 21, 2003.

**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 and the provisions of the current Memorandum of Understanding between the City of Paso Robles and the Regional Water Quality Control Board dated March 1995.

Consistent with Municipal Code Section 14.08.070 the Public Works Department 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.

The City's general estimate of cost of the extending the sewer from its current location (1,600 feet away) to serve each of the lots in the subdivision is \$105,000. Spread over the seven additional lots created by the subdivision, the cost would be \$15,000 per lot. Connection fees to the City sewer system are currently \$4,319 per residence. Therefore, the total cost of extending sewer to each of the new seven lots would be approximately \$20,000.

The cost of constructing septic systems on each lot in accordance with the requirements of the Municipal Code is approximately \$8,000 per lot. Therefore, it is estimated that the additional cost per lot to the developer for the extension of sanitary sewer to each lot in the subdivision is \$12,000 per lot. It is anticipated that homes on these one-acre lots will be sold on the higher end of the real estate market.

Consistent with City policy's the City Council has not authorized the use of septic systems for a subdivision for at least 15 years. Approval of use of septic systems has been limited to isolated situations (one or two parcels). Use of septic systems for a subdivision would seem to establish a new precedent.

New state legislation is being proposed that may affect the responsibility of the City in the maintenance of private on-site septic systems. This legislation may go into effect as soon as January 1, 2004.

If the request for septic systems in Tract 2521 is not approved, the extension of sewer in 21<sup>st</sup> Street will become part of the project description for the subdivision application. The staff report to the Planning Commission for their consideration of Tract 2521 will include a recommendation that the subdivider have the opportunity to enter into a reimbursement agreement for his costs of the line extension should other property owners desire to connect to this line in the future.

In accordance with the Municipal Code, if septic systems are approved for this subdivision, each new lot owner will be subject to an agreement with the City that allows use of the septic system for a maximum of ten years. After ten years, the lot owners may reapply for continued use. The City will have the authority to require the lot owners to extend the sewer to serve their lots at any time. It would not seem consistent with Council policies to place this type of burden on home owners of lots in new subdivisions.

Approval of this request for septic systems to serve a nine (9) lot subdivision would be inconsistent with the purpose and intent of Municipal Code Section 14.08.070 and inconsistent with the City's policies and practices regarding septic systems and the development of new residential subdivisions (Those policies were not in place when the Almond Springs Tract was approved in 1984).

**Policy**

**Reference:** Municipal Code Sections 14.08.020D and 14.08.070  
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: (3)**

1. Tentative Tract Map 2521
2. Resolution 03-xxx denying request of use of septic systems
3. Resolution 03-xxx authorizing use of septic systems

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)

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. 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.

**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.

**SECTION 4.** Pursuant to Municipal Code Section 14.08.070 K (4), Owner shall enter into an Agreement, in a form acceptable to the City Attorney, as a condition to further subdivision approval.

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 21st day of October 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 21st day of October 2003 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

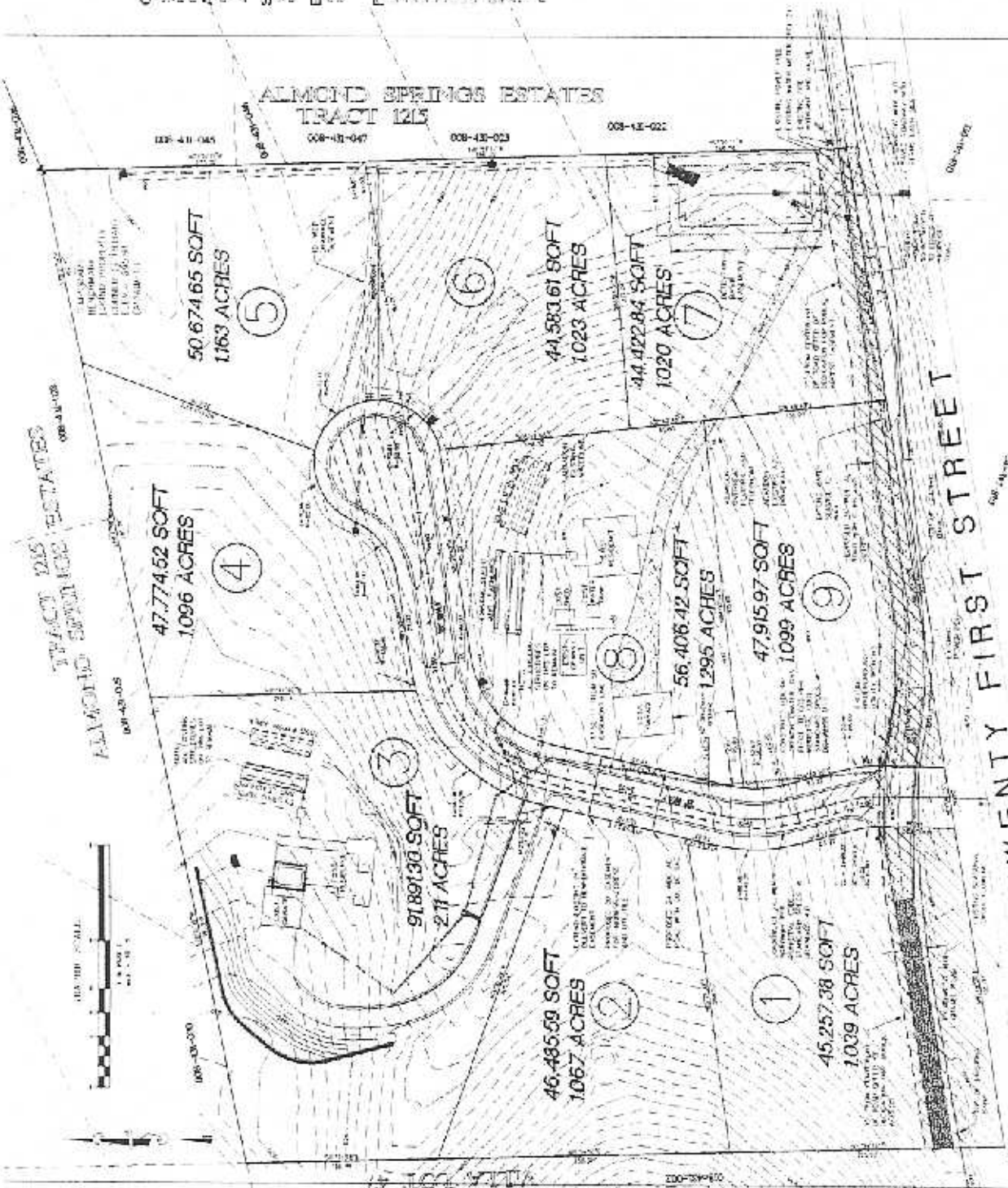
ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

# TENTATIVE TRACT MAP 2521 BERTONI

ALMOND SPRINGS ESTATES  
TRACT 125



**OWNER/APPLICANT/SUBDIVIDER**  
 BERTONI ASSOCIATES, INC.  
 12000 ALMOND SPRINGS DRIVE  
 PASO ROBLES, CA 93666  
 (805) 238-0000  
 APN: 008-43-005

**OWNER/APPLICANT/SUBDIVIDER**  
 BERTONI ASSOCIATES, INC.  
 12000 ALMOND SPRINGS DRIVE  
 PASO ROBLES, CA 93666  
 (805) 238-0000  
 APN: 008-43-005

**SITE ADDRESS**  
 2521 BERTONI  
 PASO ROBLES, CA 93666

**EXISTING PARCELS**  
 PARCEL 1: 1.75 ACRES  
 PARCEL 2: 544 ACRES

**PROPOSED PARCELS**  
 PARCEL 1: 1.039 ACRES  
 PARCEL 2: 1.067 ACRES  
 PARCEL 3: 2.11 ACRES  
 PARCEL 4: 1.096 ACRES  
 PARCEL 5: 1.163 ACRES  
 PARCEL 6: 1.023 ACRES  
 PARCEL 7: 1.020 ACRES  
 PARCEL 8: 1.296 ACRES  
 PARCEL 9: 1.099 ACRES

**TRACT ACCESSION**  
 008-43-005  
 008-43-006  
 008-43-007  
 008-43-008  
 008-43-009  
 008-43-010  
 008-43-011  
 008-43-012

**NOTES**  
 1. THIS TRACT MAP IS SUBMITTED FOR THE PURPOSES OF THE SUBDIVISION ACT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.  
 2. THE TRACT MAP IS SUBJECT TO ALL APPLICABLE LAWS, ORDINANCES, AND REGULATIONS.  
 3. THE TRACT MAP IS SUBJECT TO ALL APPLICABLE EASEMENTS, RIGHTS, AND INTERESTS.  
 4. THE TRACT MAP IS SUBJECT TO ALL APPLICABLE TAXES AND FEES.  
 5. THE TRACT MAP IS SUBJECT TO ALL APPLICABLE CONDITIONS AND RESTRICTIONS.

**PASO ROBLES CITY BENCHMARK**  
 12000 ALMOND SPRINGS DRIVE  
 PASO ROBLES, CA 93666  
 (805) 238-0000

TRACT MAP NO.	DATE	DESCRIPTION
1	12/15/11	TRACT MAP 2521
2	08/15/12	TRACT MAP 2521
3	03/15/13	TRACT MAP 2521
4	01/15/14	TRACT MAP 2521

## TENTATIVE TRACT MAP 2521 BERTONI

BERTONI ASSOCIATES, INC.  
 12000 ALMOND SPRINGS DRIVE  
 PASO ROBLES, CA 93666  
 (805) 238-0000



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