

TO: James L. App, City Manager
FROM: Ron Whisenand, Community Development Director
SUBJECT: Use of Septic System – Paso Robles Blvd. (Erskine)
DATE: August 1, 2006

Needs: Consider a request to allow use of a septic tank and leach field to serve a new single-family residence at 3001 Paso Robles Boulevard, north of Highway 46 (APN 025-431-041)

- Facts:**
1. The property owner of the referenced property, located on Paso Robles Boulevard, north of Highway 46, is seeking City Council approval to construct a septic tank and leach system on his property (see application). The property is currently vacant. The applicant intends to submit a building permit application for a new residence.
 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 new sewer main is currently under construction and will be directly available to the applicant's property from Tract 2594.

**Analysis
and**

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

The Municipal Code 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." Those provisions are specified as "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)".

Technically, with sewer directly available to the applicant's property, this application does not meet the guidance criteria provided by the Municipal Code. However, the available sewer is approximately one-half mile from the applicant's proposed building site over varying terrain.

Given that the property is zoned Agriculture, comprises 300 acres, and the approval of a septic system remote from the boundaries of the property will not undermine the City's goals to extend sewers to all properties in the City, approval of a septic system under these circumstances seems reasonable and practical.

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. Adopt Resolution No. 06-xx authorizing use of a septic system to serve a new single family residence at 3001 Paso Robles Boulevard (APN 025-431-041) subject to Conditions a through k as stated in Municipal Code Section 14.08.070 K 4 “Conditions”.
- b. Adopt Resolution No. 06-xx denying the request for use of a septic system to serve a new single family residence at 3001 Paso Robles Boulevard (APN 025-431-041) and direct the applicant to tie into the sewer line directly available to the west boundary of the property.
- c. Amend, modify or reject one of the above options.

Attachments: (5)

- 1) Application for Septic Tank Use, Erskine
- 2) Vicinity Map
- 3) Building Site Map
- 4) Resolution to Approve Use of a Septic System
- 5) Resolution to Deny Use of a Septic System



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

RECEIVED
JUL 01 2006
Engineering Division

APPLICATION FOR SEPTIC TANK USE

Owner: Tom & Gwen Erskine Date: 06-30-06 Permit No.: B06-0367
Property Address: 3001 Paso Robles Boulevard
Assessors Parcel Number: 025-431-041

Permit Fee: \$240

City Council Approval: Resolution No.
Approved By: City Engineer Date:

AGREEMENT

In return to the City's approval for allowing me to use a septic tank system for my property, I hereby agree to:

- a) Consent to future formation of an assessment district...
b) Connect said property to the city sewer system...
c) Construct septic tank and appurtenances...
d) Operate and maintain the private sewage disposal system...
e) Grant to the City authority to enter premises for periodic inspection...

- 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 a reasonable time 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.
- l) Permit to include one septic for house and one for caretaker residence. I hereby acknowledge that I am the owner of this property. This Agreement shall be binding upon my heirs and successors in title for this property.

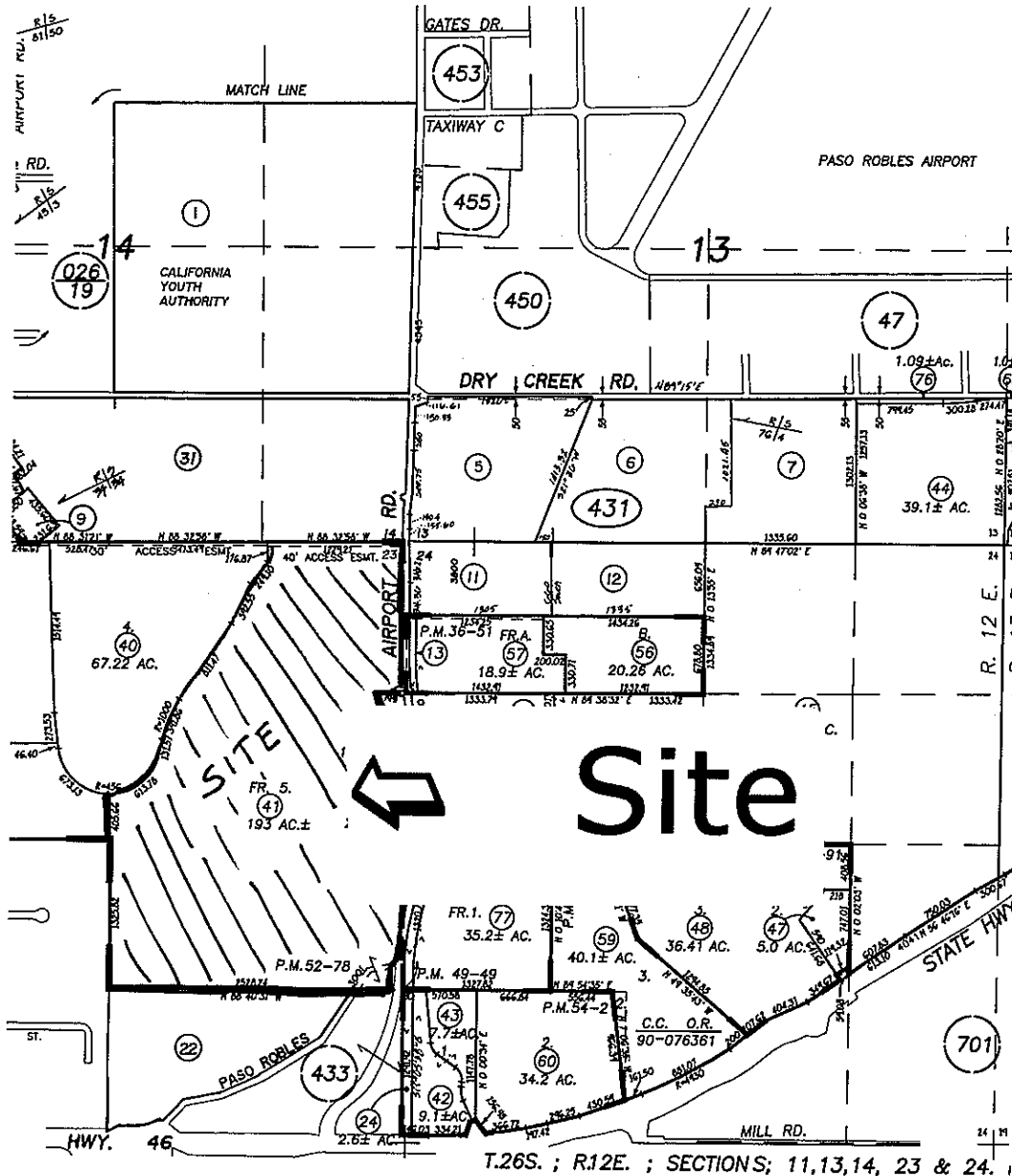
SIGNATURE:

Print Name:

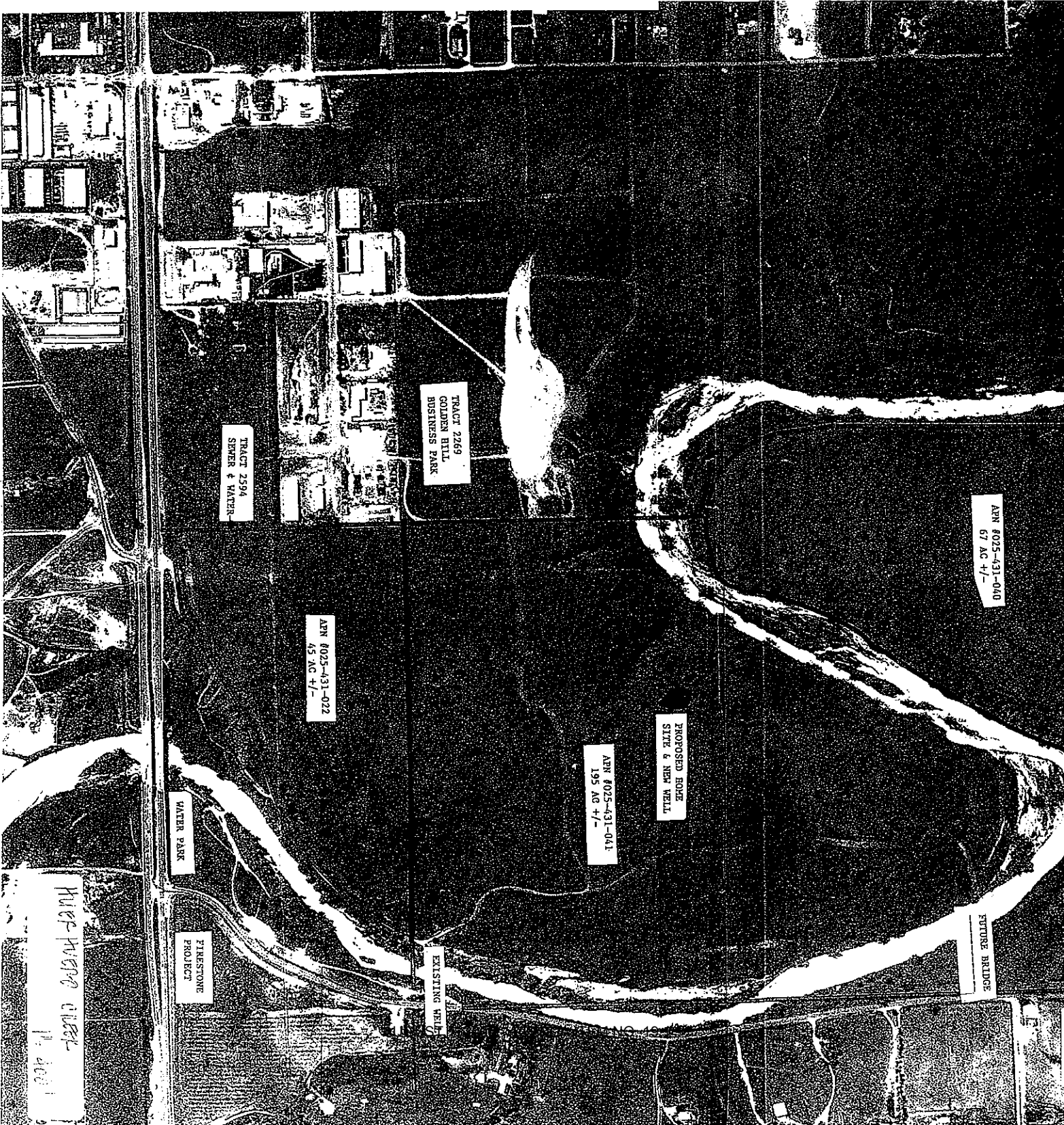
Tom Erskine

Gwen Erskine

Vicinity Map Paso Robles Blvd Erskine



T.26S. ; R.12E. ; SECTIONS; 11,13,14, 23 & 24.



TRACT 2269
GOLDEN HILL
BUSINESS PARK

TRACT 2594
SEWER & WATER

APN 0025-431-040
67 AC +/-

APN 0025-431-022
45 AC +/-

APN 0025-431-041
195 AC +/-

PROPOSED ROOF
SITE & NEW WELL

EXISTING WELL

FUTURE BRIDGE

WATER PARK

PIRESTONE
PROJECT

HUC-PURPO C/EST
11-2001

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

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING USE OF SEPTIC SYSTEM AT 3001 PASO ROBLES BOULEVARD
(ERSKINE – APN 025-431-041)

WHEREAS, the City of Paso Robles has received an application from Tom and Gwen Erskine for use of a septic tank and leach system for a new single family residence located at 3001 Paso Robles Boulevard, north of Highway 46 (APN 025-431-041); 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 2000 feet from the site of the proposed residence; and

WHEREAS, the property is zoned Agriculture and approval of the septic system will not undermine the goals of the Municipal Code to serve each property in the City with sanitary sewer.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council approves the use of a septic tank and leach field at 3001 Paso Robles Boulevard (APN 025-431-041) subject to the conditions stated in Section 2, below.

SECTION 2. That the Applicant/Property Owner complies with the 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 residence 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. 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 Owner/Applicant 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 has entered into an Agreement with the City and it is available at the City Engineer's office.

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 1st day of August 2006 by the following vote:

AYES:
 NOES:
 ABSTAIN:
 ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
TO DENY THE REQUEST FOR USE OF A SEPTIC SYSTEM AND LEACH FIELD
(ERSKINE - 3001 PASO ROBLES BOULEVARD)

WHEREAS, The City of Paso Robles has received an application from Tom and Gwen Erskine for use of a septic tank and leach system for a new single family residence located at 3001 Paso Robles Boulevard, north of Highway 46 (APN 025-431-041); and

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

WHEREAS, a sewer line is directly available to the Erskine property; and

WHEREAS, Allowing use of a septic system is not consistent with the City's purveying interests and financial goals in terms of paying for needed infrastructure.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City of Paso Robles does hereby deny the use of a septic system to serve a proposed residence on property owned by Tom and Gwen Erskine located at 3001 Paso Robles Boulevard.

SECTION 2. That the City Clerk be authorized to cause a certified copy of this Resolution to record 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 1st day of August 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk