

**TO:** James L. App, City Manager  
**FROM:** Ron Whisenand, Community Development Director  
**SUBJECT:** Use of Septic System and Private Well for Domestic Purposes  
4075 Dry Creek Road (Root)  
**DATE:** August 1, 2006

---

**Needs:** Consider a request to construct a septic tank and leach field to serve a new single family residence and to allow continued use of a private well for domestic purposes. The property is located at 4075 Dry Creek Road, (APN 025-431-069)

- Facts:**
1. Marsha Root, property owner of the referenced property, located at 4075 Dry Creek Road is seeking City Council approval to construct a new septic tank and leach system to serve a new single family residence (see applicant's letter). The property is currently occupied by an existing single-family residence which will be a secondary residence in accordance with the zoning code.
  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 nearest available sanitary sewer main is at the intersection of Dry Creek Road and Airport Road, approximately one mile to the west.
  4. Adjacent lots in this area are serviced by septic systems.
  5. The applicant is also seeking approval for continued use a well to serve the proposed single family residence as well as the existing residence.
  6. The nearest City water mains to the Root property are in Dry Creek Road, 1,400 feet to the west, and on the airport lease sites, 600 feet to the north.
  7. It has been the policy of the City for many years to require connection to City water for domestic service along with any new entitlements. New well use policies have been drafted and reviewed by a Council ad hoc committee. These policies recognize that a few parcels exist within the City that, as a result of annexation, are not served by City water.
  8. The Uniform Fire Code, which is adopted as part of the Paso Robles Municipal Code, requires that newly constructed buildings be connected to pressurized water systems for fire suppression.

**Analysis  
and**

**Conclusion: Use of Septic System**

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)”.

The Root property is located one mile from the nearest City sewer line.

**Continued Use of a Well**

The property owner currently uses a well for the existing residence on the property, and desires to use the same well to serve the new residence.

Typically, the City does not permit the use of wells for domestic purposes related to new construction. The nearest water main is over 600 feet to the north, and easements are not available for direct access to this line. The nearest water main on Dry Creek Road is approximately 1,400 feet to the west. A water main extension would therefore be required to provide service to the Root property. The estimated cost of the water main extension in Dry Creek Road is \$54 per foot (\$75,600).

In 2004 the Council authorized the continued use of a well for domestic purposes (to serve a secondary residence) located on the property, directly adjacent to and west of the Root’s property on Dry Creek Road. In 2001, a similar use was approved on a property located on Buena Vista Drive, ¼ of mile west of Airport Road.

It has been consistent policy of the City Council to require connection to City water for domestic service along with any new entitlements. New well use policies have been drafted and reviewed by a Council ad hoc committee. These policies recognize that a few parcels exist within the City that, as a result of annexation, are not served by City water. The Root property is one of those parcels.

**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.

Paso Robles Municipal Code Section 14.06.132 - Restrictions on Non-City Wells

**Fiscal Impact:** None.

**Options:**

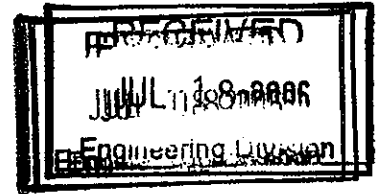
- a. **(1)** Adopt Resolution No. 06-xx authorizing continued use of a septic system for an existing single family residence at 4075 Dry Creek Road (APN 025-431-069/Root) subject to Conditions a through k as stated in Municipal Code Section 14.08.070 K 4 “Conditions”. ; and
- (2)** Adopt Resolution No. 06-xx authorizing continued use of a well to serve a single family residence at 4075 Dry Creek Road.
- b. Amend, modify or reject one of the above option.

Attachments: (5)

- 1) Application for Septic Tank Use, Root
- 2) Letter from Root
- 3) Vicinity/Site Map
- 4) Resolution to authorize use of a septic system
- 5) Resolution to authorize continued use of a well



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



APPLICATION FOR SEPTIC TANK USE

Owner: MARSHA FOOT Date: 7/14/06 Permit No.: B06-0302
Property Address: 4075 DRY CREEK ROAD
Assessors Parcel Number: 025-431-069

Permit Fee: \$240

City Council Approval: Resolution No. \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_
City Engineer

AGREEMENT

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

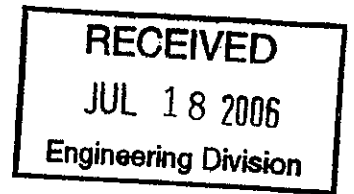
- a) Consent to future formation of an assessment district if said district is established by the City Council for the purpose of constructing sewers to serve said property. Said agreement shall be in a form acceptable to the City Attorney and recorded as affecting real property interests.
b) Connect 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 the Municipal 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 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.

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: Marsha Root

Print Name: Marsha Root



**July 17, 2006**

**City of Paso Robles  
1000 Spring Street  
Paso Robles, CA 93446**

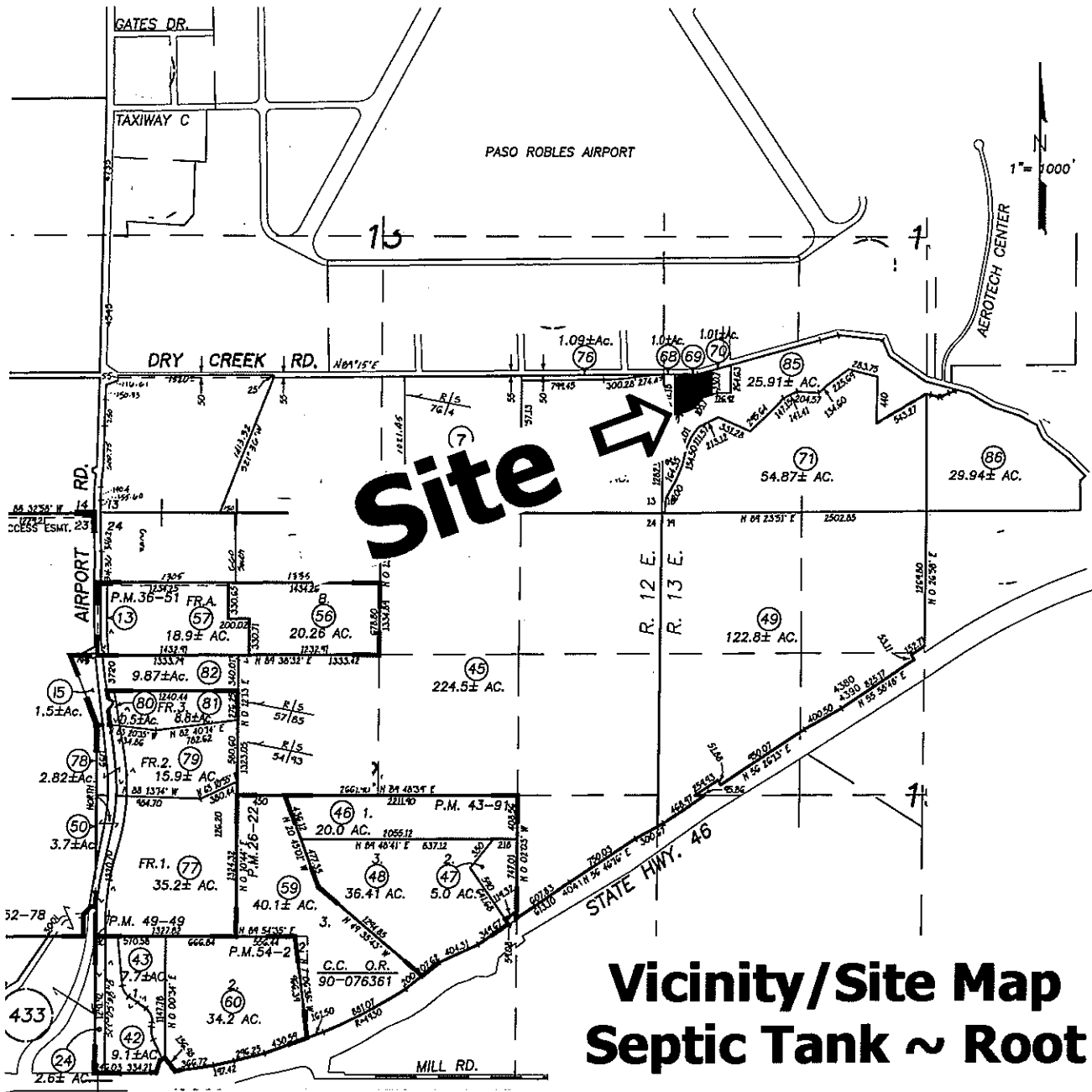
**Re: Well/Septic System for Dry Creek Road**

**I am writing to request that I be allowed to use a well and storage tank for my water source and a septic system for my property on Dry Creek Road. There is no water source provided by the city in that area.**

**Thank you,**

A handwritten signature in cursive script that reads "Marsha Root".

**Marsha Root  
4075 Dry Creek Road  
Paso Robles, CA 93446**



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 A SEPTIC SYSTEM AT PROPERTY  
LOCATED AT 4075 DRY CREEK ROAD (ROOT) (APN 025-431-069)

---

WHEREAS, the City of Paso Robles has received an application from Marsha Root to use a septic tank for a new residence located at 4075 Dry Creek Road, north of State Highway 46 (APN 025-431-069); 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 one mile from the property line 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 use of a septic tank at 4075 Dry Creek Road (APN 025-431-069).

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 1<sup>st</sup> day of August 2006 by the following vote:

AYES:  
 NOES:  
 ABSTAIN:  
 ABSENT:

\_\_\_\_\_  
 Frank R. Mecham, Mayor

ATTEST:

\_\_\_\_\_  
 Deborah D. Robinson, Deputy City Clerk

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:  
**CITY ENGINEER  
COMMUNITY DEVELOPMENT  
DEPT.  
CITY OF EL PASO DE ROBLES  
1000 SPRING STREET  
PASO ROBLES, CA 93446**

RESOLUTION NO. 06 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING CONTINUED USE OF A PRIVATE WELL AT PROPERTY LOCATED  
AT 4075 DRY CREEK ROAD (ROOT) (APN 025-431-069)

---

WHEREAS, Marsha Root has applied for a building permit to construct a residence on her property at 4075 Dry Creek Road; and

WHEREAS, Ms. Root has requested to maintain the existing private well on her property; and

WHEREAS, the Root property was annexed to the City and is one of only a few properties in City limits occupied with a single family residence without direct access to a City water main; and

WHEREAS, the Root property is located approximately 1,400 feet east of the existing water main in Dry Creek Road. Connection to City water would require a water main extension at considerable cost.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City of Paso Robles does hereby authorize the continued use of an existing private well to serve a new residence on property owned by Marsha Root at 4075 Dry Creek Road.

SECTION 2. That the applicant enter into an agreement, subject to the approval of the City Attorney, to incorporate the following provisions:

- a. That the City reserves the right to place a meter in order to determine the water use on the subject property.
- b. That the City reserves the right to restrict the volume of water used from the well.
- c. The applicant shall participate in the formation of a future assessment district to extend the water line to their property.
- d. The applicant shall connect to City water if the water becomes available within 200 feet of the subject property.

- e. That any other development entitlements gained on the property in the future shall be served by City water.
- f. The obligations and covenants outlined in the Agreement 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.

SECTION 3. 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 1<sup>st</sup> day of August 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Frank R. Mecham, Mayor

ATTEST:

---

Deborah D. Robinson, Deputy City Clerk