

**TO: James L. App, City Manager**  
**FROM: Ron Whisenand, Community Development Director**  
**SUBJECT: Use of Septic System – 2241 Almond Springs Drive (Toevs)**  
**DATE: September 16, 2008**

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**Needs:** Consider a request to allow replacement of a septic leach field to serve a single-family residence at 2241 Almond Springs Drive, north of 21<sup>st</sup> Street (APN 008-431-049).

- Facts:**
1. The property owner of the referenced property, located at 2241 Almond Springs Drive, north of 21<sup>st</sup> Street, is seeking City Council approval to replace a leach system on his property (see application). The property is currently occupied by a single-family residence. The applicant intends to submit a building permit application for a new secondary 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. The nearest available sanitary sewer main is being constructed in 21<sup>st</sup> Street, approximately 500 feet to the south.

**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”.

**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. 08-xx authorizing use of a septic system to serve a new single-family residence at 2241 Almond Springs Drive (APN 008-431-049) subject to Conditions a through k as stated in Municipal Code Section 14.08.070 K 4 “Conditions”.
- b.** Deny the request for use of a septic system at 2241 Almond Springs Drive, and direct the applicant to extend a sanitary sewer main in Almond Springs Drive from 21<sup>st</sup> Street to the subject property.
- c.** Amend, modify or reject one of the above options.

Attachments: (3)

- 1) Application for Septic System Use, Toevs
- 2) Vicinity Map
- 3) Resolution



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

RECEIVED

SEP 02 2008

BUILDING DIVISION

**APPLICATION FOR SEPTIC TANK USE**

Owner: Roger & Diane Toews Date: 9/2/08 Permit No.: BOS-0226  
Property Address: 2241 Almond Springs Dr. PASO ROBLES  
Assessors Parcel Number: 008-431-025

**Permit Fee: \$240**

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

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

**AGREEMENT**

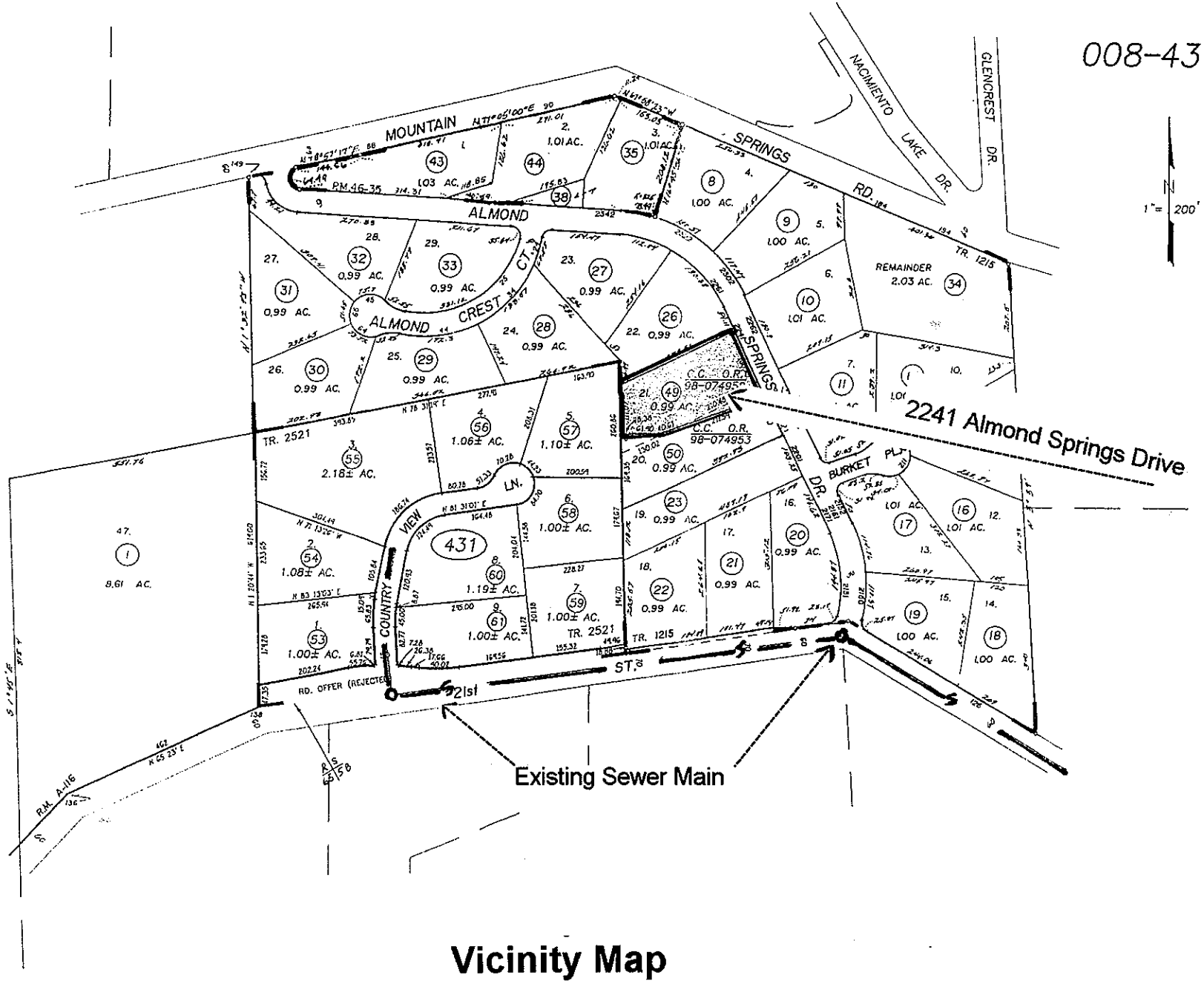
In return to the City's approval for allowing me to use a septic tank system for my property, I hereby agree to:

- 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: *Diane Toevs*  
Print Name: Diane Toevs



Vicinity Map

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. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING REPLACEMENT OF A SEPTIC SYSTEM AT PROPERTY  
LOCATED AT 2241 ALMOND SPRINGS DRIVE (TOEVS) (APN 008-431-049)

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WHEREAS, the City of Paso Robles has received an application to continue use of a septic tank and replacement of a leach field for an existing single-family residence located at 2241 Almond Springs Drive (APN 008-431-049); 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 500 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 and leach field at 2241 Almond Springs Drive (APN 008-431-049).

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 16<sup>th</sup> day of September 2008 by the following vote:

AYES:  
 NOES:  
 ABSTAIN:  
 ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Deborah D. Robinson, Deputy City Clerk