

**TO: James L. App, City Manager**  
**FROM: Ron Whisenand, Community Development Director**  
**SUBJECT: Use of Septic System and Private Well for Domestic Purposes  
3189 Highway 46E (Hayley)**  
**DATE: November 6, 2007**

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**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 3189 Highway 46E, (APN 025-371-021)

- Facts:**
1. Michael and Julie Hayley, owners of the property located at 3189 Highway 46E are seeking City Council approval to construct a new septic tank and leach system to serve a secondary residential unit. The property is currently occupied by an existing single-family 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 approximately one mile to the west on Union Road.
  4. Adjacent lots in this area are serviced by septic systems.
  5. The applicant is also seeking approval for continued use of a well to serve a secondary unit. The well currently serves the existing residence.
  6. The nearest City water main is in Union Road, across the Huer Huero and roughly 1,400 feet to the southwest. No public access easement is available for extension of water service to the property.
  7. It has been the policy of the City 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 circumstances of this request are consistent with the draft policies.
  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 Hayley property is located approximately one mile from the nearest City sewer line.

**Continued Use of a Well**

The Hayley’s currently use a well for their existing residence. They are requesting to use the same well to serve a secondary residence. The nearest water main is over 1,400 feet to the south, and easements are not available for access to this line. New well use policies presented to Council allow for approval of use of the Hayley’s well under these circumstances.

**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 - Restrictions on Non-City Wells

**Fiscal**

**Impact:** None.

**Options:**

**a.** Adopt Resolution No. 07-xx authorizing continued use of a septic system for an existing single family residence at 3189 Highway 46E (APN 025-371-021/Hayley) subject to Conditions a through k as stated in Municipal Code Section 14.08.070 K4 “Conditions”; and

Adopt Resolution No. 07-xx authorizing continued use of a well to serve a secondary residence at 3189 Highway 46E.

**b.** Amend, modify or reject one of the above options.

Attachments: (5)

- 1) Application for Septic Tank Use
- 2) Letter from Hayley
- 3) Site Plan
- 4) Resolution to authorize use of a septic system
- 5) Resolution to authorize continued use of a well

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. 07 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING CONTINUED USE OF A PRIVATE WELL AT PROPERTY LOCATED AT 3189  
HIGHWAY 46E (HAYLEY, APN 025-371-021)

WHEREAS, Michael and Julie Hayley have applied for a building permit to construct a secondary residence on their property at 3189 Highway 46E; and

WHEREAS, the Hayley's have requested to maintain the existing private well on their property; and

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

WHEREAS, the Hayley property is located approximately 1,400 feet north of the existing water main in Union Road. Connection to City water would require a water main extension and easement acquisition 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 secondary residence on property owned by Michael and Julie Hayley at 3189 Highway 46E.

SECTION 2. That the applicant enter into an agreement with the Public Works Director containing conditions as outlined in Municipal Code Section 14.06.138.

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 6<sup>th</sup> day of November 2007 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 OF PASO ROBLES  
DEPT. OF COMMUNITY DEVELOPMENT  
1000 SPRING STREET  
PASO ROBLES, CA 93446

ATTN.: CITY ENGINEER

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RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING USE OF A SEPTIC SYSTEM AT PROPERTY  
LOCATED AT 3189 HIGHWAY 46E (HAYLEY, APN 025-371-021)

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WHEREAS, the City of Paso Robles has received an application from Michael and Julie Hayley to use a septic tank for a new residence located at 3189 Highway 46E, (APN 025-371-021); 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 3189 Highway 46E (APN 025-371-021).

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 6<sup>th</sup> day of November 2007 by the following vote:

AYES:  
 NOES:  
 ABSTAIN:  
 ABSENT:

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

ATTEST:

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 Deborah D. Robinson, Deputy City Clerk