

**TO: James L. App, City Manager**  
**FROM: Robert A. Lata, Community Development Director**  
**SUBJECT: Use of Septic System – 9000 Highway 46E (City)**  
**DATE: October 21, 2003**

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**Needs:** Consider a request to replace a septic leach field serving the office of Pacific Waste Services Inc, operators of the City owned landfill at 9000 Highway 46 East.

- Facts:**
1. The operators of the City owned landfill, Pacific Waste Services, Inc. located at 9000 Highway 46 East, are seeking City Council approval to replace a septic leach field system on City property (see application) to accommodate the ongoing operation of their office.
  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 sewer available to the City owned landfill is near the Airport, approximately four miles to the west.

**Analysis  
and**

**Conclusion:** The applicant is formally requesting permission from the City Council for continued 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.”

The City’s landfill property is comprised of 40 acres (the City owns another 40 acre parcel adjacent). The Airport Sewer Main is located approximately four miles to the west.

**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. 03-xxx authorizing replacement and continued use of a septic system for the office of Pacific Waste Services, Inc. (operators of the City owned landfill at 9000 Highway 46 East) subject to Conditions “a” through “k” as stated in Municipal Code Section 14.08.070, K, 4 “Conditions.”
- b. Amend, modify or reject the above option.

Attachments: (2)

- 1) Application for Septic Tank Use, Pacific Waste Services, Inc.
- 2) Resolution

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 CONTINUED USE OF A SEPTIC SYSTEM AT PROPERTY  
LOCATED AT 9000 HIGHWAY 46 EAST (CITY)

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WHEREAS, the City of Paso Robles has received an application to continue use of a septic tank for the office of Pacific Waste Services, operator of the City landfill located at 9000 Highway 46 East; 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 four miles to the west of the subject property; 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 at 9000 Highway 46 East.

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 21<sup>st</sup> 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



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

RECEIVED
OCT 03 2003
Engineering Division

APPLICATION FOR SEPTIC TANK USE

Owner: CITY OF PASO ROBLES Date: Permit B03-0922
GP:03-917
Property Address: 9000 HWY 46 EAST PASO ROBLES LANDFILL
Assessors Parcel Number: 008-401-004

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...
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.
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- 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: \_\_\_\_\_

Print Name: \_\_\_\_\_