

TO: James L. App, City Manager

FROM: Robert A. Lata, Community Development Director

**SUBJECT: Use of Septic System and Private Well for Domestic Purposes
4025 Dry Creek Road (Canaday)**

DATE: July 6, 2004

Needs: Consider a request to construct a septic tank and leach field to serve a conversion of a shop building into a secondary residential unit and to allow continued use of a private well to serve these residences. The property is located at 4025 Dry Creek Road, (APN 025-431-068)

Facts:

1. Randy Canaday, property owner of the referenced property, located at 4025 Dry Creek Road is seeking City Council approval to construct a new septic tank and leach system to serve a remodel conversion of an existing shop building into a secondary residence (see applicant's letter). The property is currently occupied by an existing single-family residence. The applicant has submitted a permit application for the remodel.
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. Canaday is also seeking approval for continued use a well to serve his existing single family residence as well as the remodel.
6. The nearest City water mains to the Canaday 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.
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.

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 Canaday 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 proposed secondary residence remodel.

Typically, the City does not permit the use of wells for domestic purposes related to new construction. The Municipal Code recognizes that there are agricultural areas of the City where water is not readily available, and that construction of wells may be authorized by the Public Works Director for agricultural purposes.

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.

In a very similar circumstance, the Council authorized the continued use of a well for domestic purposes (to serve a secondary residence) located on Buena Vista Drive, ¼ of mile west of Airport Road, in 2001.

A recent request for continued use of a well was denied on Airport Road. In that case, City water was directly available to the property from a water main along the property frontage on Airport Road.

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. Adopt Resolution No. 04-xx authorizing continued use of a septic system for an existing single family residence at 3580 Airport Road (APN 025-431-081/Wilson) subject to Conditions a through k as stated in Municipal Code Section 14.08.070 K 4 “Conditions”. ; and

Adopt Resolution No. 04-xx authorizing continued use of a well to serve an existing single family residence and proposed secondary residence remodel at 4025 Dry Creek Road.

- b. Adopt Resolution No. 04-xx authorizing continued use of a septic system for an existing single family residence at 3580 Airport Road (APN 025-431-081/Wilson) subject to Conditions a through k as stated in Municipal Code Section 14.08.070 K 4 “Conditions”. ; and

Deny the request of continued use of a well at 4025 Dry Creek Road, and direct the property owner to connect to City water by extension of the water main in Dry Creek Road.

- c. Amend, modify or reject one of the above options.

Attachments: (5)

- 1) Application for Septic Tank Use, Canaday
- 2) Letters from Canaday
- 3) Site Plan
- 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: CANDY, RANDY Date: 3/20/04 Permit No.: Bot-018-3
Property Address: 4025 DRY CREEK RD
Assessors Parcel Number: 025-431-068

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.

CITY OF EL PASO DE ROBLES
APPLICATION FOR SEPTIC TANK USE
Page 2 of 2

- 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.
- X 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.
- X 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: _____

J. R. CANADAY

John Falkenstien, City Engineer
City of Paso Robles
Paso Robles, Ca.

June 3, 2004

Dear Mr. Falkenstien;

Per our conversation concerning the use of Septic and Well Water for our property. We built our home in 1986 while this parcel was in the County jurisdiction. Since that time we have continued to use Septic and Well Water for domestic purposes. Presently we are in the application process for an addition to a shop building to a 2nd Res. use per the new 2nd Res. Ordinance "low income residences" recently adopted.

Thru the early stages of our application the Planning Dept. was concerned about three issues. One being septic, well water usage and the third was paved driveway. Darren Nash investigated these issues and determined they were not a problem due to the Ag./Res. zoning we in the Black Ranch Annexation were designated. Bob Lata had told those of use along Drycreek Rd. we would be zoned Ag./Res. with the same regulations as the County had placed on such issues. This was during the month of March 2004.

Yesterday you commented on the concerns of well water for domestic use, suggested I get estimates to bring City water to our property. I know that the closest City water visible is at least 1000 ft. from my property. Furthermore, we both know it would be difficult to get an estimate without plans, which would cost several thousand dollars alone. As well, the cost of placing a City spec'd. system with large pipe and fire hydrants would be more than a residential addition could amortize over any length of time.

Our request at this time would be the issue of septic and well water is presented to the Council for their consideration. The cost of City water to our property would stop our plans to provide "low Income Housing" for this community. Please consider this ordinance is written possibly for the protection of urban neighborhoods, which present much different conditions than rural "Ag./Res." neighborhoods. If the City water line ran past the front of our property line, I would think differently. However, because of the distance it is from us the cost to bring the water to this point for domestic use is prohibitive for our project. Also, please consider this is not a lot split or subdivision which would generate monetary profit.

Please contact me with your response as soon as you can. My understanding is the issues will be brought to Council July 6, 2004. At that time we will have been working toward this permit for six months.

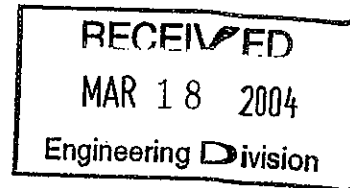
Thank you;

Randy Canaday
4025 Drycreek Rd.
Paso Robles, Ca.

Ph. - 674-4170
Fax - 238-5510

City of Paso Robles
City Engineering Dept.
John Falkenstien, Eng.

March 17, 2004



John,

Please forward this request to the City Council per your instructions. We are providing a new Septic System for the additional second residence on our property within the City limits. This property falls in the new "Agriculture Residential" zoning along Dry Creek Rd. The parcel is a one-acre site with an existing residence and detached garage. The existing residence has a Septic Sewage System, and a Water Well and storage tank to provide water to the property. This parcel is approximately ½ mile East of Secondwind Way. Therefore the use of City water and sewer would be difficult and very costly. The additional residence will be a two-bedroom residence with 1 ½ bath.

Tim Roberts Engineering will be providing an engineered septic system plan. During the planning process we would appreciate this information being presented to the City Council for their approval of the septic and well usage.

Please inform me of the schedule for this to be presented to the council, as I could attend the meeting.

Thank you,

A handwritten signature in black ink, appearing to read "Randy Canaday". The signature is fluid and cursive, with a long horizontal stroke at the end.

Randy Canaday
4025 Dry Creek Rd.
Paso Robles, Calif. 93446
Cell #674-4170

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. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING USE OF A SEPTIC SYSTEM AT PROPERTY
LOCATED AT 4025 DRY CREEK ROAD (CANADAY) (APN 025-431-068)

WHEREAS, the City of Paso Robles has received an application from Randy Canaday to use a septic tank for a new secondary residence located at 4025 Dry Creek Road, north of State Highway 46 (APN 025-431-068); 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 4025 Dry Creek Road (APN 025-431-068).

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 6th day of July 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, 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. 04 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING CONTINUED USE OF A PRIVATE WELL AT PROPERTY LOCATED AT 4025
DRY CREEK ROAD (CANADAY) (APN 025-431-068)

WHEREAS, Randy Canaday has applied for a building permit to construct a secondary residence on his property at 4025 Dry Creek Road; and

WHEREAS, Canaday has requested to maintain the existing private well on his property; and

WHEREAS, the Canaday property is located approximately 1,400 feet east of the existing water main in Dry Creek Road, and

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 secondary residence on property owned by Randy Canaday at 4025 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 a meter be placed 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 6th day of July 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk