

COUNTY OF SAN MATEO
Inter-Departmental Correspondence

DATE MAY 22 2001

HEARING DATE JUN 5 2001

TO: Honorable Board of Supervisors
FROM: Brian Zamora, Director, Public Health and Environmental Protection Division
SUBJECT: APPEAL OF THE ENVIRONMENTAL HEALTH DIRECTOR'S DENIAL OF A PERMIT TO
INSTALL A SEPTIC SYSTEM FOR A PARCEL LOCATED ON SKYLINE BOULEVARD
(APN 067-222-280)

RECOMMENDATION

Deny the appeal and uphold the decision of the Director of Environmental Health to deny a septic system permit under the Individual Onsite Wastewater Treatment and Disposal Systems Ordinance (Ordinance)

Background

Appellant Tom Stafford

Owner Hanna Khalaf

APN 067-222-280

Size Approximately 64,303 square feet (about 1.4 acres)

Setting This undeveloped parcel lies on the west side of Skyline Boulevard just south of Kings Mountain Road, in the Kings Mountain Park Subdivision. It slopes from Skyline Boulevard down to Tunitas Creek Road in an east to west direction. The parcel is densely wooded and steeply sloped.

In 1990 percolation testing and septic system plans were completed on this and three other nearby parcels. A site review at the time indicated that the septic systems would be installed on or near slopes exceeding 50 percent. The Ordinance at that time allowed for exceptions to the slope requirements if a geologic report was submitted. A geological report that supported placing a septic system on a slope greater than 50 percent was submitted and reviewed by the County geologist. Environmental Health staff conceptually approved the above-mentioned parcels for service by individual on-site wastewater treatment and disposal systems on August 4, 1992, with the understanding that permit applications would be submitted prior to a request for a building permit. Following the 1992 conceptual approval a permit application was not received and the project was never completed. On July 19, 2000 EH staff received an application for a septic permit based on the previously approved plans.

In 1996, the Ordinance was amended and adopted by the San Mateo County Board of Supervisors. Section 9325 of the Ordinance now prohibits the installation of a drainfield within 50 feet of a slope of 50% or greater.

Discussion

EH received an application for a septic permit on July 19, 2000, based on the 1992 plans. Since no application for a permit was received prior to the new Ordinance's effective date of October 31, 1996, the provisions of the new Ordinance are applicable to this project (Section 3)

The permit application is deficient, as it is not in compliance with Section 9321 and Section 9325 of the Ordinance. Section 9325 prohibits both the installation of a drainfield within 50 feet of a slope of 50% or greater, and the issuance of an exception to this setback. In addition, Section 9325 requires a minimum of six percolation test holes per building site, only two were completed in 1990.

On August 9, 2000, the appellant was informed that the septic system plans submitted were not acceptable based on the new slope requirements. Field observations indicate that the entire property exceeds a 50% slope, and therefore the appellant was asked to supply a site plan showing detailed contours lines with labeled elevations, and to perform the additional percolation testing.

The property owner and the appellant choose not to provide the required topographic map nor the percolation tests, therefore the application for a septic permit was denied on April 2, 2001. On April 6, 2001, an official appeal application and fee were received, as required in Section 9312.

Key issues

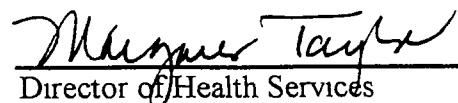
- 1 This parcel and three neighboring parcels were conceptually approved for septic systems in 1992 pursuant to the Ordinance codes and policy of that time. Permits were not issued as an application and appropriate fees were not received.
- 2 On July 19, 2000, an application for a permit to install a septic system on this parcel was submitted based on plans prepared and conceptually approved in 1992.
- 3 A new septic ordinance was adopted in 1996 which requires more percolation testing, prohibits the installation of drainfields within 50 feet of a slope of 50% or greater, and allows no exception to setback from 50% or greater slopes.
- 4 The applicant was requested to perform more percolation testing, and to demonstrate that the proposed drainfields were not within 50 feet of a slope equal to or exceeding 50%.
- 5 The applicant did not supply the information requested.
- 6 On April 2, 2001, the Director of Environmental Health denied the request for a permit.
- 7 On April 6, 2001, an appeal to this denial was received by Environmental Health.

Under section 9312 of the Ordinance Code, the Board of Supervisors may reject, affirm or modify the decision of the Director of Environmental Health.

Attachments

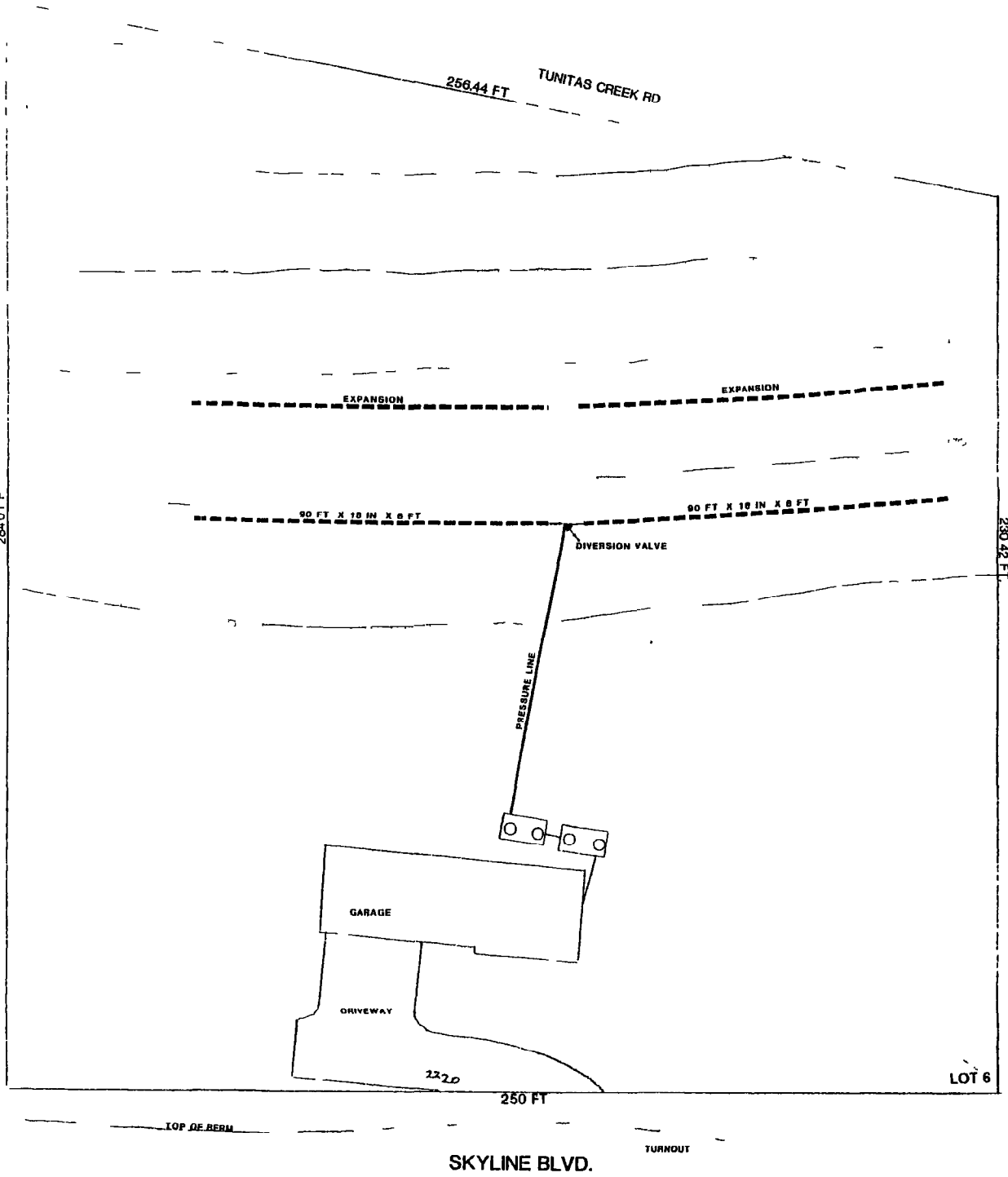
- 1 Site plan with proposed septic system
- 2 1992 letter from EH conceptually approving the property for a septic system
- 3 1990 letter granting an exception to septic installations in slopes exceeding fifty percent

Recommended

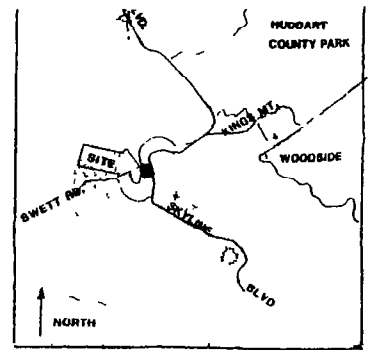


Director of Health Services

NORTH



SCALE: 1" = 40'



VICINITY MAP

SAN MATEO COUNTY
ENVIRONMENTAL HEALTH

JUL 19 2000

RECEIVED

**SEWAGE DISPOSAL SYSTEM
PLOT PLAN**

OWNER: BISHAR KHALAF

LOCATION: SKYLINE BLVD
SAN MATEO CO.

A.P. NO. 067-222-280

Department of Health Services
ENVIRONMENTAL HEALTH SERVICES DIVISION



COUNTY OF SAN MATEO

590 HAMILTON STREET • REDWOOD CITY • CALIFORNIA 94063 363-4305

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MARGARET TAYLOR
DIRECTOR OF HEALTH SERVICES

August 4, 1992

Mr. Tom Stafford
c/o Skywood Realty
17285 Skyline Blvd.
Woodside, CA 94062

Re: Skyline Boulevard Properties for Hoffman and Khalaf
APN #067-222-230, APN # 067-222-280,290,300 and 310

Dear Mr. Stafford:

We are in receipt of your consultants report and proposed site plans for the above described properties. You have provided us with the percolation test data, geotechnical reports and system design as requested previously to determine the suitability of these parcels for service by individual on-site waste water systems.

In addition, you have responded to our request regarding questions on construction and slope disturbance. Although, we have agreed to approve these designs based on your meeting our criteria as stated in our correspondence dated 4/27/90, we agreed that we will review each proposal on a case by case basis. This will allow for the revision of your original design to provide for mechanical construction should the average slope be less than 50% slope.

A complete topographical survey in detail would be required for leachfield areas of less than 50% slope for approval to use heavy mechanical equipment rather than hand dug construction. Again, a reminder that all hand dug trenches must meet OSHA standards for safety.

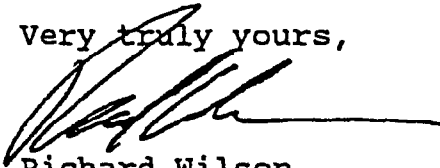
This office approves these above mentioned parcels for service by an individual on-site waste water system without additional investigation or reports at this time, provided that the final house location and site can be served by the site plans provided by your consultant, Steve Brooks, R.E.H.S.

Tom Stafford
August 4, 1992
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Any variation of these plans will require additional review and approval by this office.

If you have any questions, please call me at (415)363-4716.

Very truly yours,



Richard Wilson
Senior Environmental Health Specialist

RW/el

cc: Steve Brooks, Consultant
Keith Hashiguchi, Land Use Program Manager

Department of Health Service
ENVIRONMENTAL HEALTH SERVICES DIVISION



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MARGARET TAYLOR
DIRECTOR OF HEALTH SERVICES

April 27, 1990

Muazam Shaikh
c/o Skywood Realty
17285 Skyline Blvd.
Woodside, CA 94062

RE: APN #067-222-280, Skyline Blvd., Woodside, CA 94062

Dear Muazam Shaikh:

This Division has completed the review process for your requested variance to construct an on-site sewage disposal system on a hillside in excess of 50% slope to serve a proposed single-family residence on your above described property.

Your proposal has been approved in accordance with Chapter 6, Division VII, Section 8506 II, F1, G.9 of the San Mateo County Ordinance Code. Subject to the following conditions:

1. Provide accurate, verifiable and acceptable percolation test data of both the primary drainfield location and expansion area.
2. Provide site plan of on-site system designed by a licensed geologist, soils engineer and/or Registered Environmental Health Specialist that incorporates the following criteria:
 - a) The system shall eliminate downslope effluent movement.
 - b) The system shall provide equal periodic dosing of the entire in-use drainfield lines.
 - c) The system shall provide for the monitoring of drainfield and septic tank function.
 - d) Slope disturbance shall be minimized by construction without heavy equipment such as a backhoe or tractor hoe.

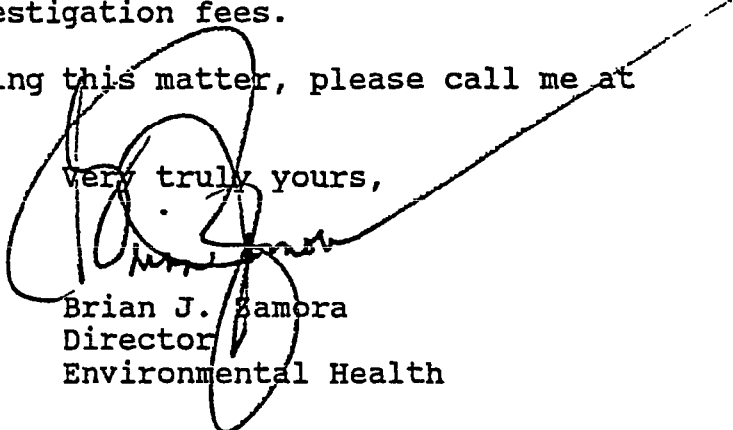
3. Approval by a licensed geotechnical consultant or soils engineer of the location of drainfields with statements specific to the slope stability and surfacing of effluent down slope shall be provided.
4. Geotechnical and construction inspection by a licensed geotechnical consultant, soils engineer and/or Environmental Health Specialist using an approved construction inspection schedule shall be provided.
5. Joint construction inspection shall be performed by this office with the design and geotechnical consultants as specified by the approved construction inspection schedule.
6. Compliance with all applicable Cal-OSHA requirements.
7. Final construction inspection and documentation of approval by both the design and geotechnical consultants.
8. A periodic monitoring plan is to be established by recorded agreement between this office and property owners to include length of monitoring period, frequency and fee for services.
9. Payment of all applicable and special investigation fees for the review, inspection and approval process by this office shall be completed prior to construction and final inspection.

A permit to construct an individual sewage disposal system and the application for a building permit will be approved by this office upon compliance with these conditions. This office will waive the requirement of approval by our consultant, the County Department of Public Works Soils and Engineering Section for on-site sewage disposal system locations only.

Please contact this office in writing of your acceptance of these conditions. Schedule a meeting with Richard Wilson between 8 a.m. and 9 a.m., Tuesday through Friday to complete all application forms and to pay the required investigation fees.

If there are any questions regarding this matter, please call me at (415) 363-4716.

Very truly yours,


Brian J. Zamora
Director
Environmental Health

BJZ:RFW/dv

cc: Keith Hashiguchi, District Program Manager
Tom Stafford