

## *Vesting Certificates for Septic Systems*

### **PURPOSE**

This procedure will provide guidance to staff regarding the issuance of vesting certificates and application of the ordinance.

### **GENERAL**

On February 23, 1993, the Board of Supervisors approved an ordinance allowing for the issuance of vesting certificates for approved plans for septic systems and/or for installed septic systems. These certificates are intended to protect property owners from changes in septic system regulations during the term of the vesting certificate.

### **AUTHORITY**

Sonoma County Code Sections 2-56, 24-57, and 24-58.  
Division of Environmental Health Instruction 1-93

### **PROCEDURE**

Review of Vesting Certificates for septic system designs.

1. Application for the certificate shall be made upon a Request for Service form and shall be accompanied by the appropriate fee.
2. District Environmental Health Specialist staff will review the application for the following items:
  - a. Approved sewage disposal system plans must be on file or plans must be submitted concurrently with the vesting certificate application (with plan check fee).
  - b. Plans must be determined to be in compliance with codes and standards in effect at the time of application for a vesting certificate.
  - c. A field review should be made if plan approval was not recently performed (e.g. three months). This review will be for changes in site conditions or construction of wells, drainage courses, etc. that might have affected the site.
  - d. Upon a finding that plans conform to this Well and Septic Section procedure, a vesting certificate shall be approved. The district Environmental Health Specialist shall sign the sewage disposal system Vesting Certificate and have the signature notarized. The Well and Septic Section vesting stamp shall be placed in the box provided on the vesting certificate.

3. The certificate will be valid for a period of three years from the date it is signed. Upon submission of a complete sewage disposal permit application within this three years, the permit shall be issued in accordance with the approved plans. Prior to permit issuance, a site visit shall be made to determine that no changes have occurred which may cause revocation of the vesting certificate.

**B. Review of a Vesting Certificate for an installed septic system.**

1. Application and fee are required as per A. 1. above.
2. If no vesting certificate has been issued for the septic system plan or if the vesting certificate has expired, the district Environmental Health Specialist shall review the system installation to determine that it is in conformance with current codes and standards. Upon such a finding, the vesting certificate shall be as issued per A.2d above.
3. If a vesting certificate has been issued for the design and if the system is installed and approved prior to the expiration of the vesting certificate for the design, a vesting certificate for the installed septic system shall be issued without further review once proper application has been made and fees paid for the Vesting Certificate for the installed system.
4. This certificate shall be valid for a period of two years from the date it is signed. Upon proper application for a Well and Septic Section Clearance for the residence within that time period, the clearance will be approved provided that the proposed dwelling does not exceed the design capacity of the septic system and does not conflict with required setbacks to any feature of the septic system.

**APPLICABILITY:**

This policy is applicable to all septic system installations except those for experimental systems or for systems which will require waste discharge requirements from the Regional Water Quality Control Board unless such requirements are waived by the Regional Board.

Septic systems will be considered to be a Class 1 system until the date of expiration of a vesting certificate.

**ATTACHMENT:**

Vesting Certificate Information Sheet

Approved by:

Date Posted 9/27/02

/s/ Richard L. Holmer

**Richard L. Holmer, Operations Manager**

Intranet       Intranet and Internet



# **COUNTY OF SONOMA**

## **PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

2550 Ventura Avenue, Santa Rosa, CA 95403-2829  
(707) 565-1900 FAX (707) 565-1103

---

### **Attachment**

## **Vesting Certificate Information Sheet**

### **What is a Vesting Certificate?**

A Vesting Certificate is a recordable document which confers a right to construct a septic system or a dwelling in accordance with standards in effect at the time of obtaining the certificate even though septic system standards may change prior to a property owner applying for a septic system permit or a building permit. The intent of a Vesting Certificate is to provide the property owner with a guarantee that his/her property will not be affected by changes in the septic system regulations during the time period of the certificate. The certificate is valid for any owner of the property during the vested period.

### **How long is a Vesting Certificate Valid?**

There are two types of Vesting certificates. A septic system plan can be vested for a period of three years (in order to issue a certificate we need a *complete* plan which includes house location, well location, etc.). An installed septic system can be vested for a period of two years. It is possible to combine these two time periods. If a vested plan is nearing the end of its three year period, the septic system can be installed and another Vesting Certificate can be applied for to allow another two years of vesting. The time period of approval, therefore, could be as long as five years. If at the end of this time, there have been no regulation changes which would affect the design, an additional vesting certificate could be obtained.

### **When should a Vesting Certificate be obtained?**

If you have had septic system plans approved or a septic system installed, and you do not intend to build a house right away, you should obtain a Vesting Certificate to protect your approval. A Vesting Certificate is not necessary if you intend to obtain a building permit and start construction right away. In this case, your septic system permit will remain valid as long as you have a valid building permit.

### **Can all sites and/or systems be vested?**

Certain types of approvals cannot be vested. These include any site which will require waste discharge requirements from the Regional Water Quality Control Board, and any site that requires an experimental septic system. Currently, the following septic system types are considered to be experimental: at-grade system, shallow in-ground system, mound system, and sand filter system. Other types of experimental systems may become available; please check with the County on the ability to vest your system.

## **Can Vesting Certificates be revoked?**

- A. Vesting Certificates can be revoked in the following cases:
1. It is found to have been based upon false or erroneous data.
  2. Excavation, grading, or compaction of soils has occurred which would render the approved leachfield area or expansion area unsuitable for a septic system.
  3. The Regional Water Quality Control Board adopts a prohibition against waste discharges.
  4. Further information shows that the proposed installation would create a gross public health hazard.
  5. Construction of wells, waterways, cutbanks, or roads has occurred that would affect the area's use for the leachfield or reserve expansion area.

**Please Note:** The County cannot deny a permit for a well within 100 feet of a vested area unless the septic system has actually been installed or a septic system permit issued.