

## **Section 15 Vesting Certificates**

### **15.1 General**

- A. Purpose: The purpose of a Vesting Certificate is to protect the certificate holder from subsequent changes in OWTS regulations, thereby providing some degree of certainty for a limited period of time pursuant to Sonoma County Code Chapter 24. Vesting Certificates are transferable and run with the land.
- B. Eligibility for filing or withdrawing a Vesting Certificate Application: A Vesting Certificate application shall only be filed or withdrawn by the property owner or easement holder of the site, an authorized agent of the property owner or easement holder, or other person with the written consent of the property owner or easement holder.
- C. Vesting Certificate application requirements: Vesting Certificate applications shall be filed with the Permit Authority and shall include:
  - 1. Application form.
  - 2. Application fees.
  - 3. Two copies of approved OWTS design site plans or as-built plans.
- D. Issuance of Vesting Certificates: Prior to issuance of a Vesting Certificate, the Permit Authority shall perform a site evaluation which may be completed as part of the OWTS Application process. Vesting Certificates shall only be issued to the property owner or easement holder of the site. The Permit Authority shall provide a certified copy of the vesting certificate to the property owner or easement holder of the site so that the property owner or easement holder record the document if desired. The issuance of a Vesting Certificate is solely a right to construct an OWTS, does not obligate the county to issue any other permit, and does not mean or imply any other land use entitlement or construction approval.
- E. Expiration of a Vesting Certificate: A Vesting Certificate that exceeds the term for which it was issued shall expire by limitation without any further action by the Permit Authority. A Vesting Certificate shall also expire when an OWTS permit is issued for the OWTS authorized by the same Vesting Certificate.
  - 1. Vesting Certificates shall not be renewed.
  - 2. An applicant may file for a new Vesting Certificate in compliance with Section 15.1.C.
  - 3. Any new Vesting Certificate application for an OWTS design shall be succeeded by a new OWTS Application in compliance with Section 4.7. The new OWTS Application shall be processed based on the OWTS regulations in effect at the time the new OWTS Application is submitted.
- F. Conflicts with well permits: The Permit Authority cannot deny a permit for a well within 100 feet of a vested area unless an OWTS permit has been issued for the OWTS, authorized by a Vesting Certificate. Otherwise, the well permit may be issued by the Permit Authority and the Vesting Certificate may be subject to revocation in accordance with Section 15.4.A.3.

### **15.2 Term Limitations**

- A. Term of Vesting Certificates for approved OWTS designs: Vesting Certificates for approved OWTS designs are valid for three years from the date the vesting certificate is issued. The

Vesting Certificate shall only be valid for the approved OWTS site, designated OWTS type, and stated capacity. Upon submission of a complete OWTS permit application within the term of the Vesting Certificate, an OWTS permit shall be issued in accordance with the approved plans. Prior to OWTS permit issuance, a site evaluation shall be performed to determine that no changes have occurred which may cause revocation of the Vesting Certificate.

- B. Term of Vesting Certificates for constructed OWTS: Vesting Certificates for constructed OWTS are valid for two years from the date the OWTS permit is finalized. A Vesting Certificate for a constructed OWTS shall guarantee septic approval of a building permit for a structure connected to the constructed OWTS provided all the following conditions apply:
  - 1. A complete building permit application is submitted within the term of the Vesting Certificate.
  - 2. The proposed structure does not exceed the capacity of the constructed OWTS.
  - 3. The proposed structure does not conflict with required setbacks to any feature of the constructed OWTS.

### **15.3 Prohibitions**

- A. Experimental OWTS are not eligible for Vesting Certificates.
- B. OWTS subject to Waste Discharge Requirements (WDRs) from the RWQCB are not eligible for Vesting Certificates unless the WDR's are specifically waived in writing by the RWQCB.

### **15.4 Revocation**

- A. Vesting Certificates may be revoked by written notice from the Permit Authority in the following cases:
  - 1. The Vesting Certificate application or its issuance was based upon false or erroneous data;
  - 2. Excavation, grading, or compaction of soils has occurred which affect the soil depth, ground slopes, or percolation rate, whether on the subject or adjoining parcels, and would render the approved dispersal system area or reserve replacement area unsuitable for an OWTS;
  - 3. Construction or alteration of wells, water impoundments, water channels, drainage facilities, roads, cuts or fills has occurred, whether on the subject or adjoining parcels, within the setbacks that were that were established by the OWTS regulations in effect at the time of the OWTS Application, for which the Vesting Certificate was issued, was submitted to the Permit Authority;
  - 4. The Director of the Permit Authority determines a necessity to protect public health and safety and/or to prevent a significant adverse impact on the environment;
  - 5. The RWQCB adopts an area wide prohibition of waste discharges or a prohibition of specific types of discharges.
- B. Vesting Certificate revocations may be appealed pursuant to Sonoma County Code Section 24-57.