

Sanitary Restriction/Certificate of Approval

Idaho Code 50-1326 requires that subdivisions shall be recorded with a statement of sanitary restriction on the face of the plat, except that the sanitary restriction may be omitted from the face of the plat where sanitary restrictions have been satisfied, and there has been recorded a certificate of approval. Where particular land has been properly serviced by individual or public utilities, a Certificate of Approval may be issued by the Director of DEQ (or HD designee). The Certificate of Approval may be issued for the subdivision or any portion thereof. If sanitary restrictions have only been satisfied for a portion of the subdivision, a combined statement will be utilized. The appropriate plat statement shall be selected from the following seven examples:

EXAMPLE #1 SANITARY RESTRICTION IN FORCE

When the subdivision will be recorded without provisions of either individual subsurface sewage or public utilities being certified (i.e., sanitary restrictions will remain in force), use the following statement. *(Some county ordinances do not allow the recording of subdivision plats with sanitary restrictions not satisfied.)*

SANITARY RESTRICTION

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 are in force. No owner shall construct any building, dwelling or shelter which necessitates the supplying of water or sewage facilities for persons using such premises until sanitary restriction requirements are satisfied.

Date: _____ Health District Signature: _____

EXAMPLE #2 SPLIT PLAT

The use of the following Certificate of Approval is for a subdivision that will be recorded with only a portion of the land having sanitary restrictions satisfied:

SANITARY RESTRICTION/CERTIFICATE OF APPROVAL

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 are in force for lots _____. No owner shall construct any building, dwelling or shelter which necessitates the supplying of water or sewage facilities for persons using such premises until sanitary restriction requirements are satisfied.

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied for lots _____. Sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

Date: _____ Health District Signature: _____

EXAMPLE #3 CERTIFICATE OF APPROVAL
(Individual wells and subsurface sewage)

The use of the following Certificate of Approval is for subdivisions with approved individual wells and subsurface sewage disposal systems. This is to be used by the HDs to lift sanitary restrictions after all requirements are met for each lot and every lot shown on the final plat:

CERTIFICATE OF APPROVAL	
<p>Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied. Sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.</p>	
Date: _____	Health District Signature: _____

EXAMPLE #4 CERTIFICATE OF APPROVAL
(DEQ review/no utilities installed)

The use of the following Certificate of Approval is for subdivisions with community water or sewer systems (or both). This certificate is to be utilized when DEQ has reviewed and approved the plans and specifications but the utilities are not installed at the time the plat is recorded:

CERTIFICATE OF APPROVAL	
<p>Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on the Department of Environmental Quality (DEQ) approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water or sewer/septic facilities were constructed. Building construction can be allowed with appropriate building permits if drinking water or sewer facilities have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities or meet the other conditions of DEQ, then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.</p>	
Date: _____	Health District Signature: _____

EXAMPLE #5 CERTIFICATE OF APPROVAL
(QLPE review/no utilities installed)

Use the following Certificate of Approval when releasing sanitary restrictions where the Qualified Licensed Professional Engineer (QLPE) reviews and certifies the proposed sanitary sewer extensions are without lift pumps, and the water main extensions are without booster pumps, and storm drain lines with only extensions and the utilities are not installed at the time the plat is recorded:

CERTIFICATE OF APPROVAL	
<p>Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLPE) representing (<i>insert name of the qualified review entity</i>) and the QLPE approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water extensions or sewer extensions were constructed. Building construction can be allowed with appropriate building permits if drinking water extensions or sewer extensions have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities, then sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.</p>	
Date: _____	Health District Signature: _____

EXAMPLE #6 CERTIFICATE OF APPROVAL
(DEQ review/utilities installed)

The use of the following Certificate of Approval is for subdivisions with community water or sewer systems (or both). This certificate is to be utilized when DEQ has reviewed and approved the plans and specifications the utilities have been installed prior to the plat being recorded:

CERTIFICATE OF APPROVAL	
<p>Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on Department of Environmental Quality review and approval for the design plans and specifications and the conditions imposed on the developer for continued satisfaction of sanitary restrictions. Water and sewer line have been completed and services certified as available. Sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.</p>	
Date: _____	Health District Signature: _____

EXAMPLE #7 CERTIFICATE OF APPROVAL
(QLPE review/utilities installed)

Use the following Certificate of Approval when releasing sanitary restrictions where the Qualified Licensed Professional Engineer (QLPE) reviews and certifies the sanitary sewer extensions are without lift pumps, and the water main extensions are without booster pumps and the utilities have been installed prior to the plat being recorded.

CERTIFICATE OF APPROVAL

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLPE) representing (*insert name of the qualified review entity*) and the QLPE approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Water and sewer line have been completed and services certified as available. Sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

Date: _____

Health District Signature: _____

EXAMPLE #8 CERTIFICATE OF APPROVAL

(Shared well and subsurface sewage)

The use of the following Certificate of Approval is for subdivisions with a shared well water system that is anticipated to serve from 2 to 9 lots and less than 25 people. A shared well water system under these conditions is not a public water supply governed by the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08), but is a water system subject to a sanitary restriction under Idaho Code §50-1326. The development will be served by subsurface sewage disposal systems.

In addition, a certification of water supply must be included. The Shared Well Water System Checklist found in 3.5.3 shall have been completed by the developer.

CERTIFICATE OF APPROVAL

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on Health District approval of the lots for subsurface sewage disposal, approval of the shared well water system and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that the shared well water system is approved based upon compliance with minimum construction, siting and capacity guidelines and requirements. Because the water system is not a public water supply regulated by the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08), neither the Department of Environmental Quality nor the Health District has reviewed the shared well water system for compliance with the requirements for such public water supplies, including without limitation the applicable capacity, quality, construction and other engineering standards. Buyer is further cautioned that through growth, the new shared well water system may become regulated in the future under the Idaho Rules for Public Drinking Water Systems as a community water system. Building construction can be allowed with appropriate building permits if the shared well water system has been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities or meet the other conditions necessary to satisfy sanitary restrictions, then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or septic facilities shall be allowed.

Date: _____

Health District Signature: _____

EXAMPLE #9 CERTIFICATE OF APPROVAL

(Shared well and DEQ reviewed/ no wastewater utilities installed)

The use of the following Certificate of Approval is for subdivisions with a shared well water system that is anticipated to serve from 2 to 9 lots and less than 25 people. A shared well water system under these conditions is not a public water supply governed by the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08), but is a water system subject to a sanitary restriction under Idaho Code §50-1326. The development will be served by a wastewater collection system.

In addition, a certification of water supply must be included. The Shared Well Water System Checklist found in 3.5.3 shall have been completed by the developer.

CERTIFICATE OF APPROVAL

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on Department of Environmental Quality (DEQ) approval of the design plans and specifications for the sewer collection system, approval of the shared well water system and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that the shared well water system is approved based upon compliance with minimum construction, siting and capacity guidelines and requirements. Because the water system is not a public water supply regulated by the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08), neither DEQ nor the Health District has reviewed the shared well water system for compliance with the requirements for such public water supplies, including without limitation the applicable capacity, quality, construction and other engineering standards. Buyer is further cautioned that through growth, the new shared well water system may become regulated in the future under the Idaho Rules for Public Drinking Water Systems as a community water system. Building construction can be allowed with appropriate building permits if the shared well water system and sewer collection system have been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities or meet the other conditions necessary to satisfy sanitary restrictions, then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or septic facilities shall be allowed.

Date: _____

Health District Signature: _____