

## **Chapter 4: SUBDIVISIONS & WATER MAINLINE EXTENSIONS**

### **4.0100 GENERAL**

The Board of Directors deems it in the best interests of the District and its inhabitants that its water distribution system be installed and constructed in accordance with certain minimum standards. Therefore, it is declared to be the policy of the Board and District that any system or part thereof installed and constructed by any person, firm, or organization other than the District must be constructed according to plans and specifications approved by the District before the District will consider incorporating said private system into the system of the District, and supply water therefor, and maintenance thereof.

### **4.0150 OVERSIZING WATERLINE**

When the Water Master Plan requires a waterline to be constructed in a size greater than would be required to service only an applicant's development, the District may enter into a written agreement with the developer setting forth a mutually acceptable agreement between the District and the developer concerning costs to oversize the waterline. In the event no such agreement is entered into, the District shall normally agree to pay the cost of the oversizing of the waterline to a size which is in keeping with the District's Water Master Plan.

Upon agreement by the District to pay such cost of oversizing, the District shall pay the price differential between the then cost of that size of water pipe which would have been required for that development as opposed to the size of the water pipe recommended by the Water Master Plan plus fifteen percent (15%) deemed to be an appropriate amount for other costs of oversizing including trenching, bedding and backfill material, construction and labor.

That payment by the District of the oversizing cost as herein provided shall only be undertaken in the event that a written agreement is entered into between the District and the developer prior to the commencement of any waterline work and only at such time as the Board of Directors determines prior to entering into such an agreement that funds are available for such oversizing.

### **4.0200 LAND DIVISION REQUESTS**

Prior to considering any land division and subsequent construction of any system, a Subdivider shall apply to the District for a Will Serve Letter in accordance with the policy. A Will Serve Letter provides notification to the regulatory agency and the applicant that the District has sufficient water and facilities available to serve and that the District will serve the real property owned by the applicant subject to the policy and the conditions contained in the Will Serve Letter. Will Serve Letters will be considered by the District upon receipt of a complete application and will describe the location, type of service and the specific conditions under which the District will provide service.

Residential Developments of four (4) or fewer parcels may be approved by the Manager. Subdivisions and Commercial Developments must be approved by the Board of Directors. All related fees, deposits, and procedures are further defined in the policy.

4.0300 SUBDIVISIONS AND MAINLINE EXTENSIONS

1. Preliminary Procedures

- a. Upon receipt of application, including preliminary plans, specifications, and agreements, the District shall reserve the right to immediately refer the same to the District Engineer for examination and approval, or recommendation at the Subdivider's expense. If the District Engineer approves the specifications as submitted, the matter will be submitted to the Board of Directors for action at its next regular meeting. Should the District Engineer require any changes in the submitted specifications, then the same shall be communicated to the Subdivider for acceptance or rejection before submission to the Board. In any event, the plans and specifications of each Subdivider must be submitted to, and approved by, the Board of Directors of this District prior to commencement of construction on said system consistent with the Will Serve Letter Policy. In cases where main extension is required, deeds and/or grants as to easements and all Governmental permits and approvals required therefore must be submitted.
- b. Inherent to the Will Serve Letter Policy, the Applicant shall post a deposit which will include review services performed by District Staff, the District Engineer and the District Attorney. All services rendered will be paid by the applicant in full.

2. Agreement

In accordance with the policy set forth in this Section, it is deemed in the best interest of the District and its inhabitants, that all or any of the following requirements be complied with, as requested by the District. Full and complete performance by the Subdivider of all covenants and agreements shall be a condition precedent to the District's permit and approval to connect to the District's system. An agreement to do and perform any or all of the following as requested by the District, at their sole cost and expense and at no expense to the District, shall accompany the County or City approved map filed with the District. Subdivider shall agree as follows:

- a. To install the proposed system including pipes, meters, storage tanks, fire hydrants, and pressure system, if required, in strict compliance with specifications therefor, approved by the District and District Engineer, all at the Subdivider's sole expense.
- b. To comply with any change in submitted plans and specifications made by the District Engineer, at the Subdivider's expense.

- c. To provide all easements and rights-of-way, including appropriate grants thereof from private owners, for the installation of any District mains required to be extended to Subdivider's property line, and to construct and install any and all mains and/or extensions of mains required to connect the Subdivision system with the District system. Subdivider must procure said easements and install the main at its sole expense under the District's direction. In any event, the determination of the District as to location and size of main shall be conclusive. In no event shall the District be required to bear any cost or expense of said extension, including cost of easements, but said main so extended shall belong to the District and become a part of its system.
- d. To obtain and perform, at their sole expense, the necessary clearances and/or permits from the Governmental agencies required for mains to be installed in, under, or upon any public easements or rights-of-way, and otherwise to do and perform every act and obtain every permit necessary to extend and install said main extension system.
- e. To provide free of liens, charges, or encumbrances, and install booster or other pump or pumps that may be required by District, and to convey title thereto to District without charge to District.
- f. To provide and convey to the District, by appropriate grant, easements and rights-of-way for pipeline and maintenance purposes over all parcels of real property within the Subdivision over which the distribution system is installed, at no cost to the District. Easements shall be at least 30 feet in width, and accessible and traversable by District vehicles, where the line does not follow a roadway. Easements shall be a full 60 feet where in roadway. District shall have the right to have said easements and rights-of-way checked for accuracy by District's Engineer at Subdivider's expense.
- g. To transfer and convey the entire Subdivision system by appropriate instrument of transfer (including all easements over private property within or without of the subdivision above described not directly conveyed to the District by the owners thereof) upon completion of installation thereof in accordance with District requirements and specifications, for no consideration other than the commitment of the District to operate, maintain, and provide water service in the future, according to District rules, including but not limited to the Drought Contingency Plan.
- h. To do or perform any other act or promise that may be required by the District as a condition for the District's service and consent to connect, and to pay any and all pertinent and current charges as required by the District.
- i. To execute the Development Agreement with the District guaranteeing all of the work for a period of one year after the construction is completed, and is accepted by the District against defective material or faulty workmanship. The

agreement shall require a bond, or other acceptable financial tool, in the amount shown in the current rate resolution per lineal foot of mainline and include an indemnification and hold harmless provision.

3. Improvement Plans

Subdivider shall provide District with four copies of maps showing the location of the pipe, type of pipe, all fittings, services, etc., as they are actually installed. Said maps must be prepared in accordance with the District's "Plan Check List" to accurately depict and represent the installation of all parts thereof. The Subdivider or proposer will be billed for the actual cost of the District's Engineer's review of the plans.

4. Inspection

a. Periodically during construction at such time as the District shall notify Subdivider upon approval of plans, and in any event upon completion of the installation, and before backfilling, the District shall be given notice and opportunity to inspect, and the Subdivider shall reimburse the District the reasonable costs of said inspections before final approval and connection.

b. Inspection Fees – An Inspection Fee shall be paid to the District prior to final acceptance of a construction project affecting the District's facilities.

5. Approval

At such time as the Board is satisfied that all legal, engineering, and policy requirements hereof have been complied with, and policy requirements hereof have been complied with, then it shall issue its approval.

6. Final Compliance

a. Full and complete compliance with the terms and provisions of this Ordinance, with the permit as issued, with all Governmental permits and approvals, and with each and every term and provision of any agreement by the Subdivider, shall be a condition precedent to final approval of the system by the District and the District's responsibility to provide domestic water service to said system. If the Subdivider has complied with all approved plans and specifications and other requirements hereof, and of the agreements, the Manager shall so certify to the District Board. All defaults in compliance shall be immediately corrected by Subdivider. Upon receipt of said certificate, receipt of grants of easement within the subdivision, and instruments conveying said system, final approval of the District will be given.

b. Upon acceptance of Subdivisions or mainline extension improvements by the District, the Subdivider/developer shall provide security in an amount as required by the District to guarantee the improvements throughout a one-year warranty period-and provide the security as described in the Development Agreement.

4.0400 EXTENSION OF DISTRICT SERVICES TO PREVIOUSLY UNSERVED AREAS  
WITHIN THE DISTRICT'S BOUNDARIES

1. Property Affected

There presently exist, and from time to time have and will in the future, exist parcels of real property located within the jurisdictional boundary of the District but which property is not subject to the policies, resolutions and ordinances of the District including fees, costs and real property taxes which other real property located within the boundary of the District have been required to comply with or to pay, primarily because such lands are federal, state or properties owned by entities which are exempt from such obligations. This Policy is intended to require that any such Exempt Lands at the time of the request for extension of water service to any portion of such Exempt Lands be required to pay a fair and equitable share of fees and costs of the District as provided in this section.

2. Obligations Imposed

The Exempt Lands requesting service shall be subject to participation in and repayment of prior, present or future obligations or indebtedness of the District as such prior, present or future obligations are required to be repaid by other similarly situated property in the District. Furthermore, the Exempt Lands requesting service shall apply for a Will Serve Letter and execute any required Development Agreement.

3. Improvements Required

As a condition of providing service, the Exempt Land Owner making the request for service shall provide, at the time designated by the District, such pipelines, distribution systems, water facilities, booster pumps, water tanks, regulating valves, chlorinators, supplemental water, connecting lines, in tract improvements, well systems, area maps showing names and addresses of all property owners within the area requesting service, and such other incidental information, facilities and requirements as the District may direct. All water system improvements shall be designed and constructed in accordance with District Construction Standards. Design shall be submitted to the District for review and approval prior to construction. Construction shall be subject to inspection by the District. Prior to final acceptance of water system improvements, "as-builts" for all such facilities shall be provided to the District.

4. Rights of Way and Easements

All Exempt Land Owners in the area requesting service shall grant and convey, without cost, to the District, any rights of way or easements reasonably requested by the District for the purposes of installing water system improvements within the Lands and such other places in the District as may be required and for the maintenance of such water supply facilities.

5. Costs of Water Extension

All costs of extension of water, including any regulatory fees and costs, legal, advertising, environmental review, engineering, together with all incidental expenses associated with the processing of a request for water service by the District shall be paid by the Exempt Land Owner making the request for service. A deposit toward these costs shall be made at the time of the request for services based on a recommendation of the District Manager. All costs and expenses of providing a complete water system satisfactory to the District and as may be required to serve the lands shall be the responsibility of the Land Owner.

6. Fee for Extension of Services

- a. Property as to which water services are extended will be required to pay a fee in order to compensate the District for existing District water system facilities upon which the property will now rely for water service. This fee for the recapture of costs expended to provide such facilities as water treatment, pumping stations, distribution systems and storage, which facilities will provide a benefit to the property, are as established from time to time by the District and will be expressed in terms of a dollar amount per each parcel of real property owned by a property owner and as, to which water services are being extended. This fee to be named the Water Service Extension Fee shall be in the same amount as the Annexation Fee provided for and set forth in the Districts' Fee Schedule as it presently exists and may hereinafter be amended, which provides for an annexation fee to be paid upon annexation of real property to the District.
- b. The Exempt Lands for which service is requested shall be required to pay a Water Supply Acquisition Fee to provide funds for the District to acquire or develop additional sources of water to be utilized by the District. The Water Supply Acquisition Fee shall be established from time to time by the District and will be expressed as a dollar amount per each legally recognized parcel of real property to be served by the District pursuant to this ordinance. The Water Supply Acquisition Fee shall be set forth in the District's Fee Schedule.
- c. The Water Service Extension Fee and the Water Supply Acquisition Fee shall be payable by the Exempt Land Owner upon approval by the District of the Exempt Land Owner's request for extension of water service to the Exempt Lands.
- d. Upon any subsequent division of Exempt Lands to which water service is extended which creates additional legally recognized parcels, the Water Service Extension Fee and Water Supply Acquisition Fee will be applicable to each such newly created parcel. These subsequent fees shall be collected upon the first to occur of any of the following events:
  1. A final subdivision map; or

2. A parcel map; or any final regulatory approval which results in the creation of any additional legally recognized parcels of real property from the Lands.

7. Procedure

All requests for extension of water service shall be subject to the approval of the Board. Proponents shall file an application for extension of service with the District. The application shall include the following minimum information, however, additional information may be required by the District:

- a. A map showing the area of proposed water service;
- b. The names and addresses of each owner of real property within the area of proposed extension of water service;
- c. An explanation as to why the area requesting water service has not previously been subject to the policies, resolutions, and ordinances of the District including fees, costs, bonded indebtedness, real property taxes, which other real property located with the District have been required to pay.

Following review by the District staff, the proposed request shall be presented to the Board for consideration. Prior to final approval by the Board to extend water service to the requested area, the Applicant shall be required to enter into a Development Agreement as prepared by the District setting forth the obligations of the proponents with respect to fees and costs to be paid to the District.

8. Providing Service

No water shall be delivered to the area requesting an extension of service until the proponent has paid all fees and costs due and has completed construction of required water system improvements.

4.0500 POLICY FOR WATER SERVICES FOR AFFORDABLE HOUSING

1. General

- a. It is the policy of the District to have a uniform procedure to grant a priority for the provision of water services to proposed developments that include housing units affordable to lower income households pursuant to a mandate set forth in Government Code Section 65589.7; and
- b. Based upon availability of the water supply, as determined by the Manager and the District's Master Water Plan, the District will ensure that priority for water services be given to proposed developments that include housing units affordable to lower income households. Notwithstanding the foregoing, this policy and procedure shall have no effect on any State or local regulations or restrictions relating to water shortage emergencies adopted pursuant to Chapter 3 of Division 1 of the Water Code; and

- c. Proposed developments that include housing units affordable to “lower income households” means that dwelling units shall be sold or rented to lower income households, as defined in Health and Safety Code Section 50079.5 at an affordable housing cost, as defined in Health and Safety Code Section 50052.5; or an affordable rent, as defined in Health and Safety Code Section 50053; and
- d. The District shall not deny or condition the approval of an application for services to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower income households, unless the Board of Directors makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following:
  - 1. District does not have "sufficient water supply" as defined in Government Code Section 66473.7(a)(2), or is operating under a water shortage emergency as defined in Water Code Section 350, or does not have sufficient water treatment or distribution capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.
  - 2. District is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.
  - 3. The developer has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the District, including, but not limited to, the requirements of local, state, or federal laws and regulations or payment of a fee or charge imposed pursuant to Government Code Section 66013.