

Chapter 6: DEANNEXATIONS

6.0100 GENERAL

1. Detachment will only be considered by the Board if the District is unable to serve the area in the foreseeable future, and a firm commitment is obtained from some other established public water supply agency to serve the area.
2. A fee in the amount determined by the Board may be charged for detachment.
3. The District may require the grant of easements or rights-of-way to enable the District to supply property adjacent to the area proposed to be detached.

6.0200 POLICY

1. Detachments: It is the policy of the District to oppose detachments that would result in the creation of islands, corridors or peninsulas within the District or in non-District territory, or otherwise would cause or further the distortion of existing boundaries since the providing of services is therefore materially affected. However, the District will consider detachments from its territory, which are presented to the District and that represent a separation which benefits the District and the property proposed to be detached.
2. Classifications: Property requesting detachment from the District will generally fall into two classifications. The first classification is that property which currently receives full water service from the District. This means that the property is served by water from District sources, delivered through water mains owned by the District, and passing through District meters. The other category of parcels would be those that do not have water service from the District or any other public water system.
3. Review Guidelines: With regard to those parcels that currently receive full water service from the District, the District believes that detachment of those parcels may negatively impact the District's ability to continue to maintain acceptable water service levels to customers that will remain in the District. This is due to a reduction in revenues, conveyance capacity, and/or looping of water lines. Detachments of these parcels may have a financial impact on the District, creating an increased burden on the remaining District customers. For these reasons, the District will normally oppose detachments requests of property currently receiving full water service from the District.

With regard to parcels which currently do not receive water service from the District or any other public water system, such a detachment may negatively impact the District's future ability to continue to provide acceptable or improved water service levels to customers that remain in the District. This would be due to a reduction in planned conveyance capacity and/or looping of water lines. Additionally, detachment of these parcels may also have a financial impact on the

District, creating an increased burden on the remaining District customers. Depending on the potential impact on the District's future ability to maintain or improve the level of service provided to the remaining District customers and the financial impact on the District, the District will determine whether to support or oppose or take no position on such a request for detachment on a case-by-case basis.

4. Specific Considerations: The following represents specific considerations which the District will use to evaluate requests for detachment:
 - a. The District will oppose detachments of land that, if detached, would result in the creation of islands, corridors or peninsulas within the District or in non—District territory, or otherwise cause or further the distortion of existing boundaries.
 - b. Where a detachment will significantly impact the District's ability to deliver water to one or more parcels that will remain within the District by the removal of either existing main lines or a reduction in the present looping of water lines, the District will not relinquish ownership of the existing water mains unless the water delivery capacity is maintained by the construction of a parallel main or additional looping of water lines. The construction of the new water mains shall be the responsibility of the parcels being detached.
 - c. Where a detachment will significantly impact the District's future ability to deliver water to land that will remain within the District by the elimination of planned main lines or planned looping of water lines (e.g., those shown in the current Water Master Plan), either the owners of the parcels being detached may construct or pay to have constructed water mains of sufficient size to replace the lines being eliminated, or the District may increase the period of time over which continued special assessment fees will be payable to the District pursuant to a subsequent item of this policy as required to finance construction of such lines.
 - d. Detachment of areas that include any major District facilities, such as wells, pump stations, control structures, storage facilities and the like, either existing or shown in the current Water Master Plan will be opposed.
 - e. Where the District has constructed facilities sized to serve the parcels being detached, the District may require reimbursement for a proportionate share of the cost of such facilities or increase the period of time over which continued special assessment fees will be payable to the District pursuant to a subsequent provision in this policy.
 - f. Where the detachment will require a significant increase in user rates for the remaining District customers, the District may require a payment of a fee to the District to prevent or lessen this event, or the District may increase the period of time over which continued special assessment fees will be payable to the

District pursuant to a subsequent provision in this policy to compensate for the loss in user fees.

- g. Detachment of individual lots within a subdivision within the District boundaries will be opposed. In order for the District to take a position other than opposition, the request for detachment within a subdivision must, at a minimum, include all lots within a single phase of a subdivision (i.e., all lots created under a separate tentative map).
- h. Detachment of a group of lots or parcels will not be considered without the submittal of a petition signed by the legal property owners representing a minimum of seventy percent (70%) of the lots and seventy percent (70%) of the total land area requesting detachment.
5. Detachment Payments: As a condition of detachment, the owners of parcels requesting detachment will be required to pay the District a fee which will be equal to their proportionate share of all types of costs associated with water system improvements paid for by the District or which are secured by a lien on the property or whose debt service is being paid in part by user's fees, standby fees or assessments on the property since such District facilities were in place to provide benefit to the detaching property.
6. Processing Fees: The proponents of a detachment will be responsible for the payment of all LAFCO filing and processing fees for consideration and approval of a detachment, as well as any other fee which may be levied by agencies involved in the detachment proceeding. Additionally, the proponent shall pay all costs associated with the processing of the detachment incurred by the District. The proponent of the detachment shall pay to the District the estimated costs of its processing fees based upon a recommendation from the District Manager approved by the Board of Directors.
7. Documents: The proponent of the detachment shall be responsible for the preparation of all documents required by the District, LAFCO and/or other federal, state and local agencies whose approval of the detachment is required.
- 8: Retention of Facilities and Funds: All developer constructed or financed improvements required by the District as a condition of tentative map approval, approval of improvement plans, or pursuant to a development agreement for the project shall remain the property of the District. This retention includes funds deposited by the developer for facilities required to serve the project, but not yet spent. In no case will the District be required to refund any money to the owners of properties being detached.
9. Water Rights: In no case involving a detachment will the District transfer with the parcels proposed to be detached any portion of the District's water rights, water allotments or ground water supplies.