

ORDINANCE NO. 2022-1
AN ORDINANCE OF THE SCOTIA COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

ADOPTING TITLE VII- EASEMENTS AND DEDICATIONS

The Board of Directors of the Scotia Community Services District does ordain as follows:

Section 1: Title VII Easements and Dedications is hereby adopted as follows:

TITLE VII- EASEMENTS AND DEDICATIONS

CHAPTER 1 – AUTHORITY AND PURPOSE

SEC.1.01. AUTHORITY. The District General Manager (District Manager), as approved by the District Board of Directors (District Board), shall have the authority to administer, implement, and enforce all chapters and sections of this Ordinance.

SEC. 1.02. PURPOSE AND POLICY. This Ordinance is intended to serve as the Scotia Community Services District (District) regulatory authority describing the width and purpose of private easements as well as the language necessary to record such easements and dedication of land to the District. Easements and land dedicated to the District are intended to provide adequate area and distance for their stated purpose, and to comply with all Humboldt County rules and/or regulations regarding easements and dedications. All easements and land dedications, to the District, shall comply with land use setbacks established by State and Federal law/regulations.

CHAPTER 2 – DEFINITIONS

SEC. 2.01. DEFINITIONS.

A. An Easement is a nonpossessory right or privilege to use or enter real property (including access rights) distinct from the ownership of real property. Types of easements, include but are not limited to:

1. Access easement: a right or rights granted or taken for the construction, maintenance, and operation of roadways and/or pedestrian or bicycle trails and sidewalks which does not transfer fee title.
2. Construction easement: a right or rights granted or taken for the construction of on- or off-site improvements which does not transfer fee title, and which expires upon the completion of specified construction activities.
3. Utilities easement: a right or rights granted or taken for the construction, maintenance, and operation of District or private utilities, including but not limited to, water, sewer, storm, electricity, natural gas, and telecommunications above or below the ground, which does not transfer fee title.

4. Shared easement: an easement shared by two or more properties.
 5. Conservation easement: an easement of variable size intended to preserve, protect, maintain and limit use of a portion of undeveloped property containing an identified critical area(s) and/or their associated buffer area(s) or as required by any other regulation or Ordinance enforced by the District.
- B. Encroachment, an encroachment is any intrusion upon a public right-of-way or a public easement. Placing or setting anything, not approved by the District, in a public right-of-way or easement, whether permanent or temporary, is considered an encroachment.
- C. Dedication means the setting aside of property for public use without compensation as a condition precedent to the granting of a permit, license, or approval from the District.
- D. Right-of-way means a strip of land over which is built a public road. A right-of-way may exist through the establishment of an easement or the dedication of land for right-of-way purposes.

CHAPTER 3 – DEDICATIONS AND EASEMENTS

SEC. 3.01. DEDICATIONS AND EASEMENTS.

- A. A right-of-way shall be dedicated for streets and other improvements to accommodate motorized and non-motorized transportation, parking, utility, and buffer area requirements. Some reduction in the minimum right-of-way requirement may be granted at the sole discretion of the District Engineer as a design deviation where it can be demonstrated that sufficient area has been provided for all functions within the right-of-way and in alternate locations. The minimum right-of-way requirements for minor and local streets can be reduced in widths if geometric requirements and provisions for utility installations and maintenance are met. Wherever utility and maintenance easements are required beyond the existing right-of-way requirements, additional necessary easements shall be provided.
- B. Right-of-way widths less than those identified in these standards require specific approval of a variance by the District Manager or their designee unless approved as a design deviation as referenced in Sec. 3.01.A of this chapter. Right-of-way widths greater than those widths identified in these standards may be required in order to facilitate the construction of required improvements.

1. Declaration and dedication language shown on the recorded document shall be as follows:

Known to all persons by these presents that we the undersigned, being owners in fee simple of the land herein platted, are persons authorized by all parties having any interest in the land hereon described to obtain this (type of development), hereby declare and acknowledge this “(development name)” and dedicate to the use of the public forever all roads and/or rights of way or other areas and other ways, do hereby waive on behalf of themselves and their successors in interest all claims for damages against the District and

any other governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said dedicated roads and/or rights-of-way or other areas and other ways, and do hereby grant and reserve any easement shown hereon for the uses indicated. Easements in favor of the District are required for all public systems, unless specifically exempted. Specific requirements for sewer, water, and stormwater drainage easements are determined by the District Engineer and/or the District Manager. Particular design features of a street may necessitate slope, retaining wall or drainage easements. Such easements may be required by the District Engineer in conjunction with dedication or acquisition of right-of-way and other standard easements.

EASEMENT TYPE	MINIMUM WIDTHS	NOTES	COMMON USE
Access – Pedestrian	10'	Improvements to access easements shall include a sidewalk or trail consistent with the District Engineer's requirements. Improvements may also include a vegetated buffer from adjacent uses.	Trail or bicycle corridors on private property (all land use types).
Access – Vehicular ¹	24'	Must terminate in approved hammerhead or similar configuration, must comply with minimum fire department standards. May be co-located with utility easements.	Residential driveways serving four or fewer units, commercial driveway access.
Access – Combined	36'		Commercial or multifamily private driveways with sidewalks.
Utility Easements – Singular ^{1,3}	15'	Based on site and soil conditions, structural engineering may be required for buildings constructed within 10 feet of an easement, depending on depth and location of utilities. May be co-located with access easements.	Conveyance of a single public or private utility through private property (all land uses).
Utility Easements – with Manhole	24' (20' all weather driving surface, 2' shoulders on either side)	Easements serving as access roads to manholes within easements must be wide enough to support the District's maintenance vehicles.	Vehicle access to utilities.
Utility Easements – Multiple ¹	30' (two utilities) 40' (three utilities)	A minimum 10' horizontal separation between wet utilities is required. Based on site and soil conditions, a structural engineer's analysis may be required.	Conveyance of multiple public or private utilities through private property (all land

EASEMENT TYPE	MINIMUM WIDTHS	NOTES	COMMON USE
		Buildings must be constructed no closer than the distance defined by a 1:1 prism from the utility's elevation, and a minimum 15' from any water line. May be co-located with access easements.	uses).
Conservation Easement	Variable	Must comply with all Humboldt County, State and Federal law/regulations.	Establishes that area necessary to protect environmentally sensitive areas and their buffer from further encroachment or development.

1. The District may require that all or a portion of easement sections necessary to provide access to sewer, water and stormwater lines be constructed so as to be accessible, all year, by District maintenance vehicle(s).
2. On a case-by-case basis, the District may require that the applicant demonstrate that easements can be efficiently and safely maintained and may require additional width in order to facilitate this maintenance.
3. Open channels crossing private property shall have a minimum easement width of the channel cross-section plus 15 feet on one side if maintenance is required.
 - a. Access Easements – **Pedestrian**. Where it is necessary to facilitate pedestrian circulation between neighborhoods, schools, shopping, recreation, or other activity centers in addition to that provided for adjacent to a street, public access easements shall be dedicated to the District.

Access easements shall be a minimum of 10 feet wide. Improvements to the easements shall include a sidewalk or trail consistent with other non-motorized facilities in the area. Fences may be constructed along access easements in conformance with District requirements and approval by the District Manager.
 - b. Access Easements – **Vehicular**. In the event properties do not have direct frontage on a District street, access shall be provided via an easement. Creation of a development served by an access easement rather than a dedicated street shall be at the discretion of the District Board of Directors. Vehicular access easements shall be paved, be a minimum of 24 feet in width, shall be built in a manner consistent with the most current edition of the California Building Code and most current edition of the National Fire Code, with design approval by the jurisdictional authority for fire suppression. In the event that multiple lots are served by an access easement, an agreement designating the shared maintenance responsibilities for the easement shall be signed by all affected parties and recorded with the Humboldt County Assessor's Office.
 - c. Utility Easements – **Singular**. An easement for a single District utility line shall be a minimum of 15 feet in width and shall be designated on a recorded plat, short plat, binding site plan or recorded deed. The District may require a wider easement if the depth of the proposed utility does not provide sufficient horizontal separation to facilitate maintenance and repair, as site conditions dictate, and as determined by the District Engineer. This horizontal separation shall be generally defined by a 1:1 prism from the depth of the utility to adjacent structure(s); alternatively, this condition may be met via the construction of a foundation or footing at a depth equal to or greater than the utility as determined by the District Engineer.
 - d. Utility Easements – **Multiple**. An easement containing both District water and sewer lines shall be a

EASEMENT TYPE	MINIMUM WIDTHS	NOTES	COMMON USE
<p>minimum of 20 feet in width and shall provide for a minimum horizontal separation between water and sewer lines of 10 feet. Easements shall be designated on a recorded plat, short plat, binding site plan or deed. The District may require a wider easement if the depth of the proposed utility does not provide sufficient horizontal separation to facilitate maintenance and repair, as determined by the District Engineer, as described in Footnote (3)(c).</p> <p>e. Conservation Easements. The size of conservation easements may vary substantially. The recorded conservation easement shall include, but is not limited to, the following elements:</p> <ul style="list-style-type: none"> i. Language granting the District an easement for conservation purposes over that area identified by the easement. ii. A surveyed topographical map, with elevations, identifying the area of the easement. iii. A legal description of the easement. iv. Provisions allowing amendment of the easement reflecting alteration by natural processes and/or operation of law. v. A description of mutual rights and obligations, including: <ul style="list-style-type: none"> 1. District right to enter. 2. Penalties and right of the District to recover damages. 3. The right of the District to enforce the terms of the easement. 4. The declaration that the District is under no obligation to maintain the easement area. 5. Requirement of the grantor to pay property taxes on the easement area. 6. A requirement for the grantor to maintain the area at their cost. 7. Requirement to indemnify the District of any obligations to maintain or pay for maintenance of the easement. 8. Severability language. 			

SEC. 3.02. SCHEDULE FOR DEDICATION OR ESTABLISHMENT. The need for easements or dedications will be determined by a specific project review, which may vary substantially depending upon the type of project proposed. In general, the schedule for establishing easements and dedications shall be as follows:

A. Public Projects. The District shall seek to acquire easements and dedications prior to initiating construction activities.

B. Private Projects. The District shall seek to acquire easements and dedications following construction of required infrastructure, based on approved as-built drawings, and may be simultaneous with the recordation of subdivisions.

SEC. 3.03. CONFLICT WITH OTHER PROVISIONS. This Ordinance is intended to act as the primary location for information related to easements and dedications, in case of conflict with other District regulations this Ordinance shall take precedence. Modifications to these requirements may be considered on a case-by-case basis, either as a design deviation or as a variance as determined by the District Manager and District Engineer.

CHAPTER 4 - ENFORCEMENT

The District General Manager shall have the authority and responsibility to enforce all of the provisions and chapters of this Ordinance. Enforcement action includes, but are not limited to, administrative fines, appeals, cease and desist orders, compliance and consent orders, and encroachment issues.

Encroachment issues include, but are not limited to, debris and/or obstructions, overgrown vegetation or landscaping without required approval by the District, construction or structures without required approval from the District, any fencing without required approval from the District, and unapproved or prohibited signage.

Section 2: Severability. If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The Board of Directors hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid under law.

Section 3: California Environmental Quality Act (CEQA) Determination. Under the EIR that was completed upon the formation of the Scotia Community Services District, a determination was made that the District would not result in a significant environmental impact. This ordinance is also exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 4: Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 5: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: February 17, 2022

ATTEST:



Clerk, Scotia Community Services District
for Julie Hawkins

APPROVED:



President, Scotia Community Services District

Clerk's Certificate


I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2022-1, passed and adopted at a regular meeting of the Board of Directors of the Scotia Community Services District, Humboldt County, California on the 17th day of February, 2022, by the following vote:

AYES: Black, Anstead, Sellen, Pryor, Newmaker

NOES: ∅

ABSENT: ∅

ABSTENTIONS: ∅



Clerk, Scotia Community Services District
for Julie Hawkins

