

DRC/CC&R Guidelines Manual

INTRODUCTION

Welcome to the El Dorado Hills Community Services District's Covenants, Conditions and Restrictions and Design Review Committee Guidelines Manual. This manual is a publication of the El Dorado Hills Community Services District. It is intended for use by Design Review Committee Members, District staff and homeowners. Although the District is charged with the responsibility to administer the CC&Rs for most homes within the District, it is not the District's mission to regulate your use and development of your private property. Instead, it is the Board's mission to provide quality CC&Rs services designed to assist each and every homeowner in achieving voluntary compliance with CC&Rs and to navigate the design approval process with as little frustration as possible while helping homeowners achieve their design, enhancement and property improvement plans within the context of the applicable CC&Rs. While this manual cannot anticipate all possible design and improvement scenarios, it is published by the District as a reference tool to help homeowners understand the Design Review program administered by the District.

Sections 1, 2, and 3 provide you with an overview of the purpose, scope and various authorities and responsibilities that generally apply to the design review process. Section 4 specifically addresses the administrative guidelines which will help you navigate the application, review and approval process. Section 5 addresses specific criteria which are applied to the most common improvement applications.

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HISTORY

Covenants, Conditions and Restrictions have been utilized in the State of California for many years to regulate how landowners develop, enhance and improve their private property. The District has nothing to do with the development of or imposition of CC&Rs on any home or subdivision within the District. All of the CC&Rs which control private property development within the District were imposed by original landowners or developers at the time the landowner/developer obtained development approvals from El Dorado County.

CC&Rs are nothing more than a private contract between individual homeowners within a designated subdivision of homes which imposes certain conditions and restrictions on how the property owner develops, improves and enhances his/her property. These private contracts are not really negotiated between all of the individual homeowners but instead are placed as conditions and restrictions on real property when the original landowner/subdivider of the property recorded the CC&Rs as binding conditions and restrictions that run with the land and bind all future purchasers to adhere to the CC&Rs. Some individuals are not aware that property is controlled by CC&Rs at the time they purchase the property and other individuals do not study CC&Rs or fully understand the impact of the CC&Rs before they close escrow on property purchases. However, once an individual purchases property which is legally subject to properly recorded CC&Rs, the property owner is legally bound to comply with any of the covenants, conditions and restrictions that control his/her property. Failure to comply subjects the homeowner to legal action and court orders to comply and certain court sanctions for failure to comply.

In 1983 local voters, by majority vote, granted the authority and responsibility to the El Dorado Hills Community Services District to enforce the CC&Rs and to assume the responsibilities of an architectural control committee to review design, enhancement and improvement applications for property within the District. After the authority was granted by the voters, many of the architectural control committees which existed under the authority of individual CC&Rs at the time delegated architectural control responsibility and authority to the El Dorado Hills Community Services District. Today, not all subdivisions, villages or housing units or developments are under the authority and responsibility of the District. Some subdivisions/units/villages retained, by way of a private homeowners association architectural control review and approval authority. If your property is subject to a local village/unit private homeowners association that has retained architectural review and approval jurisdiction, you must consult your local homeowners association for the appropriate rules and guidelines. These Guidelines apply only to subdivisions/villages/units that are under the authority and responsibility of the District. See Section 7, Appendix 2.

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SECTION 1

PURPOSE

CC&Rs are private contracts which place, conditions and restrictions on the development, enhancement and improvement of private property. Compliance is not optional. Compliance is mandatory. Not all CC&Rs are the same. The CC&Rs from one village or unit to another village or unit may differ in several significant aspects. Likewise, some CC&Rs are very similar.

Understanding and interpreting CC&Rs sometimes can be a difficult and confusing task. Consistency in the interpretation of conditions and restrictions and the approval of improvement and enhancement plans is important to maintaining the integrity of the CC&Rs and to effectuate the intended purpose that is to preserve and enhance property values and the design and aesthetic character of a village/unit.

The purpose of this manual is to serve as essentially an annotated “roadmap” to assist property owners, the DRC and District staff in working collaboratively to promote and preserve the integrity of the CC&Rs and to assist applicants in achieving compliance with their CC&Rs with as little difficulty and/or frustration as possible. The goal is first rate customer service, to facilitate approvals and compliance with specific requirements of the CC&Rs and not to regulate private property use beyond the restrictions and regulations imposed by the CC&Rs.

The El Dorado Hills Community Services District CC&R Policy Numbers 7000.10 states:

7000.10 ***General Guideline.*** *For purposes of design review, decisions will be based on the plain language set forth in the CC&R’s applicable to the subject property. The Board shall establish and maintain the Design Review Policy and the El Dorado Hills Design Review Guidelines to provide a basis for protocol and consistent application of the existing CC&R’s. **The Design Review Policy and Guideline Manual** shall in no manner establish new CC&R language, which has not been approved by the property owners as required by the relevant CC&R’s. Nor will it establish rules, which may create health and safety issues or violate the provisions of the El Dorado County zoning ordinance.*

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SECTION 2

SCOPE

These guidelines are not intended to be a complete and all inclusive expression of all of the policies, rules and regulations that may affect the development of real property within the District. It is not possible to anticipate every contingency or every potential development, enhancement, improvement idea, concept or application that may be presented to the District that may be subject to specific CC&Rs. Therefore, the Board of Directors intends to continually improve this publication to make it a useful, accurate and timely resource. Modifications to these Guidelines can only be made by Board of Director action/approval.

The Design Review Committee Guidelines may be changed by following the process listed below:

- 1. Recommendations may be made by DRC Members, Citizen Advisory Committee Members, or residents may be submitted to the appropriate CSD Staff member(s) including the Assistant General Manager, Design Review Clerk or the Compliance Officer.*
- 2. Staff will prepare a report and forward recommendations to the Board CC&R committee with recommendations for approval, revisions, or non approval.*
- 3. The Board CC&R Committee will make recommendations to the Board of Directors regarding the proposed changes.*
- 4. The Board of Directors will vote to approve or reject the proposed change.*

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SECTION 3

AUTHORITY/RESPONSIBILITY

3. Authority/Responsibility

Each of the entities listed in this section have either specific authority, specific responsibility or both in applying, interpreting and administering controlling CC&Rs. This section discusses the respective roles of each.

3.1 CC&Rs “The Unit”

The various housing developments within the District boundaries are commonly referred to as villages or sometimes units or subdivisions. The covenants, conditions and restrictions which apply in any set of CC&Rs apply only to the property that is designated within the recorded CC&Rs. In most cases the CC&Rs apply to a specific village or a specific unit within a specific village. It is possible, although not common, that a Village with multiple units may have CC&Rs that apply specifically to unit 1 and different CC&Rs that apply to unit 2 and the CC&Rs may not have the same conditions and restrictions as between each unit. The homeowner has a responsibility to comply with the CC&Rs that are expressly applicable to his/her specific unit. Throughout these guidelines the District refers to applicable CC&Rs by “The Unit” because most CC&Rs by their own terms apply to a specific unit. Copies of all CC&Rs are available at the District Office (1021 Harvard Way, El Dorado Hills) or on the District’s website www.edhcsd.org.

3.2 Board of Directors

The term Board of Directors refers to the five (5) members elected by the community to serve on the El Dorado Hills Community Services District Board of Directors. The Board of Directors has ultimate authority and responsibility over all aspects of the CC&R administration. District staff and the appointed Design Review Committee (DRC) are appointees and agents of the Board and do not exercise independent authority. Authority exercised by District staff and/or the DRC is that authority delegated from the Board of Directors. The Board has the responsibility to the property owners within the District to ensure that the expressed conditions, covenants and restrictions are enforced and administered consistent with the expressed language contained in the recorded CC&Rs as well as the intent of the CC&Rs. **The Board of Directors does not have any independent authority to modify, amend, ignore or otherwise alter the expressed terms and conditions of recorded CC&Rs.**

3.3 Design Review Committee (DRC)

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The Design Review Committee (DRC) is a group of community volunteers that meet on a regular basis to review improvement applications. Committee members serve on a strictly voluntary basis and serve designated terms for the benefit of the community. The DRC is a Board appointed committee making specific recommendations to the Board and as such is subject to the open meeting laws (the Brown Act). The DRC is charged with the responsibility to review applications for improvement in order to assist homeowners in complying with governing CC&Rs. The DRC issues approvals or denials on proposed development applications only and makes appropriate recommendations to the Board of Directors, but has no role, responsibility or authority in the District's CC&R enforcement program. The DRC functions solely as a design review committee.

3.4 District Staff

District staff members are charged with the responsibility to implement the policies, rules, regulations and guidelines adopted by the Board of Directors for the administration of the CC&R program within the District. Staff is responsible for facilitating the application process, coordinating committee meetings, the dissemination of information to applicants, the community as a whole and providing reports and recommendations to the DRC and/or to the Board of Directors.

3.5 The Homeowner

The individual homeowners within any given unit have the authority to independently enforce CC&Rs separate and apart from the authority granted the District. Equally or perhaps more important is the responsibility that is placed on the individual property owners to comply with the CC&Rs that control development, enhancement and improvement of their individual property. The responsibility to comply with the CC&Rs was placed on the homeowner at the time he/she purchased the property which was already subject to CC&Rs imposed by the original developer. The District is only the conduit upon which the property owner relies in taking the steps necessary to comply with the CC&Rs. The District's role is limited to facilitating such compliance.

3.6 El Dorado County

El Dorado County has general land use authority throughout the County. El Dorado Hills is not an incorporated city, therefore the County regulates land use within the District boundaries. El Dorado County has no authority over CC&R enforcement. As part of the building permit process and other development approval processes, El Dorado County, as a matter of practice, does not approve development/permit applications unless the applicant demonstrates by way of sign off from the El Dorado Hills Community Services District that the property

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owner/applicant has complied with any governing CC&Rs and/or CC&R application procedures/approvals.

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SECTION 4

ADMINISTRATIVE GUIDELINES

All CC&Rs within the jurisdiction of the District require property owners to submit proposed development, exterior enhancement or improvement ideas/plans to an architectural control committee or Design Review Committee for review and approval under the applicable CC&Rs. However, not all CC&Rs contain the same review requirements. In other words, there are some development, exterior enhancement and improvement activities under some CC&Rs which do not require design review and approval while the same types of planned development, enhancement or improvements under other CC&Rs require review and approval under the governing CC&Rs. As a general rule, planned development, enhancement and improvement such as construction of a new residence, room additions, re-roofing, exterior painting, pools, fences, retaining walls, certain outdoor lighting, certain patios, decks and landscaping or modification to any of these categories of development, enhancement and improvement requires review and approval under the applicable CC&Rs. This is a general statement and property owners must consult the CC&Rs which apply to the property owner's property in order to determine if their planned development, enhancement and/or improvement requires review and approval under the specific CC&Rs. If the planned activity requires review and approval under the governing CC&Rs, then the property owner must make application to the District for review and approval. Property owners complete this process by first submitting an application available at the District office or at www.edhcsd.org, paying appropriate fees, and submitting plans and specifications accordingly.

4.1 Application Process

Application forms are available at the District office Monday through Friday from 8:00 a.m. to 5:00 p.m., or online at www.edhcsd.org, and are included in this Guideline in Appendix 7.3. In addition to the basic information set forth in the application forms, which vary depending on the type of planned development, enhancement and/or improvement the project applicant may be required to provide additional information including but not necessarily limited to the following:

- (a) Names and address of builder, contractor, developer, and architect.
- (b) Project site plot plan with dimensions taken from signed recorded plot.
- (c) Topography showing existing grades, proposed grades at one-foot intervals with spot elevations as required to clarify drawings, as well as elevations shown at "finished grade", and also show building corner and floor elevations and landscaping.
- (d) Proposed landscaping.
- (e) Retaining walls.
- (f) Locations and details of temporary and permanent signs, including dimensions.

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- (g) Temporary and permanent fences.
- (h) Front, side and rear setbacks from structures to property lines.
- (i) Easements and rights-of-way.
- (j) Pipes, berms ditches, swells.
- (k) Existing and proposed driveways, parking areas, pathways and lighting
- (l) Exterior storage and screening devices for trash, mechanical and communications equipment.
- (m) Location of light poles and transformers, with height and type indicated.
- (n) Roof projections and/or roof plan and screening treatment.
- (o) Elevation plans for all four sides of structure including height to top plate and top of roof.
- (p) Dimension for typical parking stalls and maneuvering areas, including setbacks of buildings and building separation.
- (q) Bar scales on all plans.
- (r) Oak tree locations – those marked for removal and those to be fenced with 4'high ski-fencing at the drip lines during all construction phases.
- (s) Exterior colors and materials to be used.

4.2 Fees

An application/plan review fee is required and must be paid at the time of application. Fees are nonrefundable and are subject to change from time to time at the discretion of the Board of Directors. It is the policy of the District to maintain fees at a level that is directly proportional to the cost incurred by the District in providing design review services under the applicable CC&Rs. A complete fee schedule is set forth in Appendix 7.3 which is current as of March 2007. The fee schedule is also maintained on the District's website at www.edhcsd.org, and is updated contemporaneously when and if fees are adjusted or otherwise modified.

4.3 Design Review Committee Approval Process

Once the completed application has been submitted, appropriate fees paid and additional information, such as project plans, grading plans, pictures, paint or roofing samples, etc. have been submitted to the District, the property owner's complete application and supporting materials will be submitted to the Design Review Committee for immediate review. The DRC meets on a regular basis and applications which are submitted and complete as of Wednesday at 5:00 p.m. of any week, shall be placed on the next DRC meeting agenda which is generally every Tuesday morning at 8:00 a.m. The DRC meets in a public session and project applicants or their representatives are welcome and encouraged, although not required, to attend the review.

The DRC reviews the proposed development, enhancement and/or improvement for compliance with the expressed covenants, conditions and restrictions set forth in the CC&Rs and also for any general design requirements or restrictions. In

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other words, the DRC will determine if the proposed activity complies with criteria or items that are either expressly permitted or expressly prohibited by the plain language set forth in the CC&Rs. Those CC&Rs that do expressly prohibit or expressly permit certain uses, activities and design criteria usually also contain a general requirement that the DRC review the proposed project to ensure that it is in harmony and conformity with properties in the unit. In such cases the DRC will look at the proposed use and design including materials, textures, colors, natural landscaping, exterior layout, lighting, etc., and compare it to other properties in the unit in order to make sure that the planned project is consistent in appearance, color, texture, design, style, etc with other properties in the unit.

Property owners or their representatives are encouraged to attend the DRC review and to be available to answer questions and provide clarifying information as appropriate.

The goal of the DRC review is to:

- Ensure that the planned project complies with the expressed provisions of the CC&Rs and where the CC&Rs require the project to be in harmony and conformity with surrounding properties within the unit.
- Ensure that the planned project fits in accordingly within the unit.

If the DRC, upon review, determines that the planned project includes uses or a design that violates an expressed prohibition or is otherwise not in harmony and conformity, where required, the DRC will inform the project proponent accordingly and may make suggestions as to how the project proponent can revise the planned project to meet specific requirements. The project proponent will be invited to submit additional materials or make appropriate revision so that the planned project is in compliance with the appropriate CC&Rs.

Denial of an application is a last resort and should only occur if the property owner and DRC have a good faith irreconcilable difference of opinion about whether or not a planned use, activity or design conflicts with an expressed CC&R prohibition or is not in harmony and conformity, where required, with surrounding properties within the unit. In such cases, the DRC will deny the application and the project proponent may appeal to the Board of Directors. Otherwise, the DRC is available and will remain available to work with all project applicants in order to bring planned projects in compliance with governing CC&Rs.

Most CC&Rs require the property owner to obtain approval demonstrating that the planned project has been reviewed for CC&R compliance. Therefore, the DRC may issue certificates of approval and/or certificates of compliance for approved applications. Property owners should retain the original certificate for their permanent files and may be required to provide copies for other agencies such as the County Building Department in order to obtain permits or approvals which are under the jurisdiction of the County or other agencies.

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The approval is valid for one year from the date of issuance and shall expire if the property owner has not commenced work on the development, enhancement or improvement within one year from the date of issuance. However, under extenuating circumstances property owners may for apply for an extension of the initial one year period which may be extended at the discretion of the DRC for a reasonable amount of time as determined by the DRC depending upon the circumstances applicable to the property. The time allowed for completing any development, enhancement or improvement pursuant to a Certificate of Approval varies according to the controlling CC&Rs and any special conditions that were imposed at the time of approval.

4.4 Transfer of DRC Certificates of Approval

Except as provided in this section or as otherwise stated in the applicable CC&Rs, no DRC Certificate of Approval/Permit is transferable upon transfer of ownership of the property for which the permit was granted. If there is a change in ownership at any point after issuance of the DRC Certificate of Approval/Permit, the new owner must submit a new application package and pay all fees and deposits required for the issuance of an initial DRC Certificate of Approval/Permit.

An exception to the foregoing rule is recognized in the event the permit holder has commenced construction but has not passed final DRC inspection before transfer of ownership to a new owner.

4.5 Variances

Many of the CC&Rs recorded within El Dorado Hills grant the DRC the power to allow reasonable variances in order to overcome practical difficulties and to prevent unnecessary hardships, provided that the variance will not be materially detrimental to adjacent properties or to the El Dorado Hills Community in general. In accordance with this Section, the DRC may grant variances in accordance with the governing CC&Rs of each Village.

4.6 Appeals

A property owner may appeal any DRC denial of a development, improvement or enhancement application to the Board of Directors. Appeals must be in writing, stating the basis for the appeal and providing all backup information or documents in support of the project applicant's position. The appeal first goes to a two member Board Committee. The Committee will review the original information and the DRC's recommended denial and consider the information provided with the applicant's appeal. The Committee will submit a written recommendation to the full Board of Directors for final decision. The applicant

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may appear before the full Board of Directors at the time designated for consideration of the Committee's recommendation, but is not required to do so.

4.7 Post Approval Inspection Process

Once the property owner has obtained DRC approval, a District representative may, from time to time visit the site and review the progress of the work for compliance with the controlling CC&Rs or any special conditions imposed as part of the approval process. Such inspection is not a substitute for building inspections performed by the County as part of the County building permit process nor is such review by a District official for the purpose of ensuring quality of construction, general compliance with the property owner's plans and specifications or for any purpose other than determining ongoing compliance with the applicable CC&Rs. Approval of any improvement application by the DRC and site visits or reviews by District officials do not relieve the property owner from the obligation to obtain any and all required County permits, permits from other governing agencies and complying with any inspection or notice requirements imposed by the County or any other agency. If required by the DRC, once the development, improvement or enhancement is complete, the property owner must obtain a final review from the District. It is the responsibility of the property owner to request this final review. No improvement received under an approved application is considered complete until a final review has been approved and confirmed in writing.

4.8 CC&R Amendment Process

CC&Rs are private contracts between a group of private homeowners. The District has no legal authority to modify, amend or alter CC&Rs. The District is not a party to the CC&Rs and is only vested with the authority to enforce the CC&Rs and to provide architectural control services accordingly. Any portion of, or all of the CC&Rs in their entirety may be amended, altered, modified, or completely deleted and eliminated only by the actions of the parties to the CC&R contract, specifically the homeowners. There is no specific methodology which must be followed in every case to modify the CC&Rs. CC&Rs are subject to modification or elimination by following the specific terms and conditions set forth in the CC&Rs which govern how homeowners must modify their CC&Rs.

As a general rule, most CC&Rs may legally be modified if 50% plus one of the property owners sign a written amendment to the CC&Rs which specifically sets forth the modification(s) that is being established by the written amendment signed by the property owners. Modifications to CC&Rs are not effective unless they are recorded in the public records of El Dorado County. CC&Rs may, by their terms, run with the land and be binding on all subsequent property purchasers if the CC&Rs are recorded in the chain of title. This is accomplished by recording the CC&Rs in the County records. Some CC&Rs require a super majority in order to modify, CC&Rs and a simple majority vote is not adequate.

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The District does not maintain a CC&R modification program because the District has no authority to modify the CC&Rs. Whether or not CC&Rs should be modified and if so, how they should be modified is left completely to the discretion of the homeowners. Therefore, any homeowner or group of homeowners wishing to eliminate or modify controlling CC&Rs should consult with their own private legal counsel in order to determine the procedures necessary to effectively alter, amend, modify or eliminate the applicable CC&Rs.

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SECTION 5

APPROVAL CRITERIA

5.1 New Construction

As a general rule, all CC&Rs require the homeowner to submit plans for any improvement or enhancement to the exterior of the home/property to the design review authority. Construction of a new home on a vacant lot must always be submitted for design review. Likewise, remodeling of the exterior of a home, additions such as room additions, out buildings, landscaping, fencing, decks, and similar improvements also must be submitted for design review (consult your specific CC&Rs accordingly).

5.2 Height Limits

Height limits are generally set forth in the applicable CC&Rs. If no height limitations are set forth in the applicable CC&Rs, the DRC shall follow the County standards on height limitations. However, if the applicable CC&Rs do set forth specific height limitations, the DRC shall follow those limitations unless the standards imposed by the County are more restrictive than those set forth in the applicable CC&Rs.

5.3 Solar/Photovoltaic Panels

To the extent permitted by State law, panels must be unobtrusive and located as approved by the DRC. Installation may be accomplished by the use of trellis-like structures, rather than roof installation, unless the roof installation is located so as to not be visible from the neighboring street.

5.4 Garages

Most residences must include enclosed garages(s) as required per the CC&Rs to keep vehicles concealed when not in use.

Carports may be allowed unless specifically prohibited by the applicable CC&Rs.

5.5 Garage Conversions

Unless otherwise provided by the CC&Rs, a garage conversion may not minimize the CC&Rs garage requirements. The size of the garage required by the CC&Rs must be maintained. Existing garages in a size as required by CC&Rs may not be converted unless a new garage is built to replace the

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required size. Garages larger than the required garage size (i.e., existing 3 car garage in a 2 car CC&R requirement) may convert 1 garage stall.

5.6 Exterior Lighting

- (a) Unless allowed by the CC&Rs, there shall be no lighting of sports courts.
- (b) Unless otherwise provided by the applicable CC&Rs, pole lighting shall only be approved for street/entryway lighting, with the pole not to exceed eight (8) feet in height.

5.7 Windows and Doors

Exterior elevations or window and door schedules on construction plans shall clearly indicate the types of windows and doors to be used as well as the finish. If no other requirements are expressly permitted or expressly prohibited by the CC&Rs, the DRC shall approve plans that are in harmony and conformity with the rest of the Village to which the CC&Rs apply.

5.8 Roofs and Roofing Materials

Roofing materials must conform with the requirements of the CC&Rs and the El Dorado Hills Community Services District Roofing policy.

5.9 Fireplace Chimneys

Fireplace chimneys must be designed with the chases and chimney caps to match the architectural style of the home and conform to the Uniform Building Code (UBC) requirements.

5.10 Trash Can and Other Screens and Enclosures

Unless otherwise provided by the applicable CC&Rs, trash or garbage enclosures/screening are required for all new home construction, significant additions and garages. Garbage can enclosures/screening may be required for existing homes if violations are noted. Screened garbage can enclosures are not required if the can is stored within a garage or behind a suitable fence.

5.11 Mechanical Screening

Screens to shield views of heating and air conditioning equipment, garbage containers, pool equipment, firewood or exterior storage, shall normally be three feet (3') high or six inches (6") higher than the objects to be screened, whichever is greater. Maximum height above grade for these screens shall be six feet (6').

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Screening material and workmanship shall be of good quality and match or complement the finish material of the house. Additionally, plantings to soften the appearance of a screen may be required.

Heating and air conditioning units must be screened from all directions and located away from the sleeping area of adjacent homes. Roof mounted units are not allowed unless they are installed as a replacement to an existing roof mounted unit.

5.12 Propane Tanks and Pool Equipment

All propane tanks shall be screened and installed according to State, County and Fire District requirements. Tanks should be painted to blend with surroundings. Propane tanks and pool equipment shall be screened with appropriate walls, fences or landscaping on all sides. They must not be located within required setback area.

5.13 Fences, Screens, and Enclosures

No fence shall be constructed on any lot until an application has been approved by the DRC and then only in strict accordance with the terms of the approval. All fences must include locations style, color, height and function and of such fence on the plans and shall be approved in writing by the DRC prior to installation. Fences are not allowed to extend beyond the lot lines and are not allowed within front setbacks.

Except as otherwise provided by the applicable CC&Rs, fences shall be constructed of natural materials such as wood, masonry, rock or wrought iron materials, unless otherwise approved by the DRC, and fence height is limited to six feet (6'). When an applications has been submitted for a fence that is not made of natural materials as mentioned above, and the CC&Rs do not expressly prohibit or permit the proposed material, the DRC shall make their determination based upon whether the proposed material would promote harmony and conformity with the unit and surrounding Village to which the CC&Rs apply. The DRC must consider, not prohibit, all proposed materials.

Fence applications must be submitted with the detailed drawings and a location indicated on the plot plan. The following factors should also be taken into consideration:

- (a) Uniformity with existing fences should be used to determine the fence design and to assure neighborhood conformity.

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- (b) Fencing shall be located on the property lines to ensure that adjacent property owners will be able to attach their fences without crossing property lines.
- (c) All fencing shall be of quality material, be “good neighbor” and not exceed six feet (6’) in height. If any fencing encroaches into the front setback, then it shall not exceed three feet (3’) in height, or as the CC&Rs specify.
- (d) The height is restricted to a maximum of six feet (6’) for dog runs and approved screening may be required.
- (e) Any wire (i.e., hot wire, field fencing) used on “open style” fencing must be plastic coated or factory color treated in approved colors and may be used only with specific DRC approval. Chain link or other types of wire fencing is prohibited.
- (f) All wing fencing shall be painted to match the color of the home or other fences within the units and be planted with screening materials.
- (g) On corner lots, the front set-back requirements per CC&Rs apply. The side-yard fencing shall be a minimum of fifteen feet (15’) from the property line, or as the DRC may allow on a case-by-case basis.
- (h) Privacy screens and enclosures may be used to create privacy for small patio areas only. Maximum height shall not exceed six feet (6’). The screen material shall match or complement the materials used on the home. All screens and enclosures will be reviewed by the DRC using the above requirements or guidelines.

5.14 Exterior Finish and Trim

Residences must present a pleasing appearance and be in harmony and conformity with the surrounding Village. Plans must show the finish material and trim. Except as otherwise provided by the applicable CC&Rs, stucco, most masonry, and wood are acceptable finish and trim material. Except as otherwise provided by the applicable CC&Rs plywood siding shall be limited to a minimum of 5/8” thick. Unless otherwise permitted by the applicable CC&Rs façade architecture is not desirable but will be reviewed on a case by case basis by the DRC and shall be approved if the architecture is in harmony and conformity within the unit and surrounding Village to which the CC&Rs apply.

When considering approval of a color for the exterior finish and trim of a residence, the DRC shall automatically approve an application to re-paint the residence the same color as currently exists on the residence. If the applicable CC&Rs specifically prohibit certain colors to be used on exterior surfaces of the

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residence, the DRC shall automatically deny an application to use such a color. If the applicable CC&Rs specifically permit certain colors to be used on exterior surfaces of the residence, the DRC shall automatically approve an application to use such a color. If the applicable CC&Rs neither expressly permit nor expressly prohibit a certain color to be used on exterior surfaces of a residence, the DRC shall approve all colors which are harmonious and in conformity with the other residences in the Village to which the CC&Rs apply and shall consider, not prohibit new standards of color, materials or increased durability and base each approval or denial of an application on whether the proposed design/color/material will promote harmony and conformity within the unit and surrounding Village to which the CC&Rs apply.

All exposed exterior surfaces including concrete, concrete block foundations and/or deck footings that exceed six inches (6") in height must be painted to blend with the primary exterior color. All exterior exposed metal and plastic, such as flashings, vents, chimneys, electrical control boxes, conduit risers and support hangers shall be painted the exterior trim color or other color to harmonize with the structure.

Accent colors for decks, fascia, trim and doors should harmonize with the principal color.

5.15 Exterior Siding or Sheathing and Trim

Unless otherwise provided by the applicable CC&Rs, asphalt, vinyl or metal siding is not permitted and poured concrete blocks may not be used as a totally exposed wall façade unless the use of such material will promote harmony and conformity with the surrounding Village to which the CC&Rs apply.

5.16 Windows and Doors

Unless otherwise provided by the applicable CC&Rs, the exterior window and door frames shall be of wood, anodized, vinyl clad, metal or otherwise finished and of an acceptable and approved color.

5.17 Decking and Patios

A neighbor's privacy shall be considered when determining location or proximity of a deck to the property line. If any decking requested interferes with the adjacent neighboring properties' privacy, then the applicant shall be required to plant screening materials on the applicant's property, or with approval, the neighbor's property line.

5.18 Minimum Square Footage for Residences

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All newly constructed residences must comply with the minimum square footage requirement in the applicable CC&Rs.

5.19 Setbacks and Easements

All newly constructed residences and improvements must comply with the setback requirements of the applicable CC&Rs. The owner is exclusively responsible for identification of property boundaries, easements and setbacks of his/her lot. Neither the El Dorado Hills Community Services District nor the DRC has any responsibility to certify that any improvements structure, or activity does not encroach upon any easement, setback or adjacent property line. In the event that the applicable CC&Rs do not include setback requirements, the DRC will default to the County requirements.

5.20 Driveways and Parking Areas

Unless otherwise provided by the applicable CC&Rs, all parking areas/driveways shall be surfaced with concrete or exposed aggregate or turf blocks. Additional parking areas or driveway extensions shall be designated to be aesthetically pleasing and limit the appearance of hardscape as viewed from the street(s) of the Village to which the CC&Rs apply.

5.21 Sheds and Outbuildings

Unless otherwise provided by the applicable CC&Rs the following requirements apply to all sheds and outbuildings:

- (a) Small Buildings (<120 sq. ft.). Storage sheds not exceeding eight feet (8') in height and less than 120 square feet (<120 sq. ft.) in size may be located adjacent to fences or other structures and may be required to have landscaping screening. For example, a temporary shed located adjacent to a wrought iron fence and potentially impacting views from the street or adjacent properties may require landscape screening. The shed structure shall be painted and roofed to match the home.
- (b) Larger Buildings (>120 sq. ft.). Storage sheds, free standing workshops and detached garages or in law quarters exceeding eight feet (8') in height and more than 120 square feet (>120 sq. ft.) shall be a minimum of five feet (5') from the side fence and 15' to the rear fence and screened from the street or neighbor views with trees or other plantings. The height shall be approved by the DRC on a case-by-case basis, due to lot configuration and location of neighboring homes. All buildings shall have paint and roof material to match the existing residence.

5.22 Parking and Circulation Criteria

Approved: April 12, 2007

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Adequate off-street parking shall be provided as required by the applicable CC&Rs in order to accommodate all parking needs that are likely to be generated by the proposed site improvements and eliminate the need for any on-street parking.

5.23 Building and Site Lighting Criteria

Except as otherwise provided in the individual CC&Rs, minimum lighting should be used to enhance the overall design concept of the home in an aesthetically pleasing manner. Exterior lighting must not infringe upon adjacent neighbors or be seen from a distance; therefore, cutoff fixtures or glare shields should be used to eliminate bright spots and glare sources. Exterior lighting should be as close to grade as possible. Lighting of walls, roofs or yards, which can be seen from beyond the property, will be discouraged unless accomplished in a subtle manner for accenting a small area. All lighting conduit and fixtures must be as inconspicuous as possible, especially by day if lights are above grade level. Exterior lighting must meet national and local codes and must be approved prior to installation.

5.24 General Criteria Relating to Utility Enclosures Service Installations and Screening Trash Enclosures

Any restriction contained in the individual sets of CC&Rs shall be followed. To the extent that CC&Rs are ambiguous, the following criteria will be taken into consideration in order to provide a storage area that is attractive to the public and the neighbors' views.

5.25 Landscaping Criteria

Quality landscaping is important to both the appearance of each individual home and the overall continuity of each Village. To ensure that the overall beauty of each Village is preserved and enhanced, many CC&Rs have given the DRC the authority to approve or disapprove landscape plans for individual residences according to the standards set forth in the applicable CC&Rs. As some CC&Rs have more restrictive standards than others, the DRC shall consult the applicable CC&Rs and abide by the standards set forth therein. Where the CC&Rs give the DRC discretion in approving applications for landscaping, the DRC shall consider all applications and recognize that there is a broad range of landscape possibilities ranging from the informality of the natural landscape to the formality of a garden. The DRC shall take into account the various relationships between the home, the site and adjacent homes, view and other amenities in making decisions regarding specific landscape plans. Fundamental to the design criteria is the need for gardens and lawns to harmonize landscape plans. Fundamental to the design criteria is the need for gardens and lawns to harmonize with the

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existing native terrain and natural beauty of the community, with the intention of preserving and protecting existing trees and significant plant material and minimizing erosion and removal.

Landscape plans for the entire lot must be fully detailed and accurately drawn to an appropriate scale (not smaller than 1" = 20') on a full-sized site plan. The plan should show contours and elevations clearly, as well as drainage provisions, and all pertinent site and architectural information – including an accurate outline of the building with doors, windows, stoops, decks, and other features accurately located and drawn. The outdoor surfaces such as walks, decks, patios, driveways, courtyards, etc., also should be specified. If spas, pools, or retaining walls are to be installed, architectural drawings of installations should be provided with an articulation of the materials to be used.

5.26 Roofing

As a general rule, all CC&Rs require design review on new roofing installations on new construction and on re-roofing an existing structure. Specific CC&Rs may prohibit specific types of roofing materials and all CC&Rs generally require roofing to be in harmony and conformity with the surrounding Unit. The District maintains a list of approved roofing materials which generally applies to most Units within the District. Consult your specific CC&Rs for restrictions or limitations on the type of materials allowed within your Unit. The approved roofing materials list is modified from time to time upon Board approval and may be found in Appendix 7.5 of this manual.

5.27 Oak Tree Preservation

5.27.1 Oak Tree Preservation

Native oak trees are the most prominent natural feature of the California foothills. Though only a small vestige of the original oak woodlands remain, oak trees are still a key element of our environment, contributing to its natural beauty, reducing soil erosion, improving air and water quality, reducing energy consumption, providing habitat for wildlife and enhancing property values. The intent of this section of the Guidelines is to promote oak tree preservation.

5.27.2 Definitions

The following definitions indicate the particular meaning of terms as they are used in the Guideline.

Arborist: An individual certified as an arborist by the International Society of Arboriculture (ISA)

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Arborist Report: A report prepared by an Arborist or Registered Professional Forester containing specific information on the location, condition, potential impacts of development, recommended actions and mitigation measures regarding one or more trees on an individual lot or project site.

Development Activity: Any activity within the Protected Zone of a tree, which could impact the health of a tree or Landmark Tree, including but not limited to Cutting, Grading, Irrigating and Trenching.

Diameter at Breast Height: The diameter of a tree measured at four feet (4') above ground level on the high side of the tree. The diameter may be calculated by use of the following formula: $DBH = \text{circumference at breast height} \div 3.142$.

Dripline: The outermost edge of a tree's.

Landmark Tree: A tree or grove of trees designated by the DRC to be of historical or cultural value, an outstanding specimen, and/or of significant community benefit.

Oak Tree: Any tree of a native oak species which is protected by the provisions of applicable CC&Rs or the County ordinance because of its size (usually four to six inches DBH), location or other features.

Preserved Tree: An oak tree which the DRC has designated for protection during development activity

Protected Tree Any tree protected by CC&Rs and/or the County oak tree preservation ordinance.

Protected Zone: A area within a circle with a radius equal to the longest radius of a protected tree's drip line plus one foot.

Riparian Zone: Any area within 50 feet from the centerline of a seasonal creek or stream, any area within 100 feet from the shoreline of a pond, lake or reservoir.

5.27.3 General Requirements for Development Activity in the Protected Zone of Protected Trees

The importance of oak tree preservation is recognized with tree protection provisions in the CC&Rs of most units in El Dorado Hills and in County Code 17.73 titled Oak Woodland Conservation prior to initiating any

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activity that may affect an oak tree on their land or on that of an adjoining property, owners of property in EDH should check their CC&Rs carefully to determine whether DRC approval is required. If approval is required, owners must submit an improvement application on the appropriate DRC form and include all of the information called for on that form: e.g. plot plan with all trees located in relation to lot lines, diameter of oak trees at 4' from the ground, other improvement on the lot, whether existing or proposed.

5.27.4 Removal of Protected Trees

It shall be the policy of the DRC to preserve protected trees wherever feasible while recognizing individual rights to develop private property in a reasonable manner. It shall be the responsibility of the applicant to demonstrate the need for any oak tree removal.

In determining whether to approve the removal or major trimming of a protected tree, the DRC will consider the following listed factors and, depending upon the particular circumstances, may consider others which are not listed:

- a. The degree to which the tree will be an obstacle to approved development activity
- b. The condition of the tree with respect to disease, general health, damage, danger of falling
- c. The effect removal would have upon safety, public health, remaining trees, and the beauty and general welfare of the area
- d. The effect removal would have upon soil stability, erosion, particularly near water courses and on slopes
- e. Present and future shade effect with respect to cooling and solar power/heating.
- f. Whether or not there are feasible alternative measure to removal
- g. Applicants may be required to provide an arborist report from an arborist who would not be performing any eventual tree removal or major limbing. Alternatively, and it is discretion the DRC may employ an arborist of its choice.

5.27.5 Protecting Oak Trees During Development Activity

Property owners are responsible for taking the following measures to protect oak trees, except any approve from removal during development activity

- a. Erect protective orange “ski” fencing” around the protected zone of each protected tree or group of trees within 50 feet of development activity prior to initiating work and excluded from the enclosed protected zone any work related activity such as

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- storage and vehicle parking.
- b. Exert every reasonable effort to preserve undisturbed the natural ground within protected zones.
 - c. If it is absolutely necessary to trench within a protected zone, and if boring or drilling would not be feasible, excavate by hand under the supervision of a certified arborist. Do not cut any root larger than two inches in diameter; keep the exposed root moist and cover with soil as quickly as feasible. Sever small roots neatly, trim and cover quickly.
 - d. Make no grade changes within the protected zone unless specifically indicated in the approved plans

5.27.6 Mitigation, EDHCSD Tree Preservation Fund, Public Education

In the event the owner of property with protected trees removes or significantly damages one or more of them without approval, the DRC, at its discretion, may require mitigation by planting a proportionate number of diameter inches of replacement oak trees on the owner's property or by assessing a fee at the rate of \$200 per diameter inch (amount tripled for unapproved removal of a landmark tree) to compensate for the expense of planting a proportionate number of diameter inches of oak trees on public property or by a combination of these alternatives.

In the event the owner of property with protected trees applies for approval of a project that will damage protected trees, and the DRC determines they could reasonably be preserved, the DRC, at its sole discretion, may offer the applicant the option of an approval in exchange for on-site mitigation or payment of a mitigation fee based upon the number of diameter inches the applicant would remove.

Mitigation fees paid by property owners are held by the CSD in a Tree Preservation Fund until used to cover the expense of mitigation planting or for related purposes. It is widely recognized that the loss of oak trees is partly the result of the lack of public awareness on oak preservation. A portion of the funds collected for mitigation may be used to establish and promote educational programs to improve this situation.