

**POLICY TITLE: PRINCIPLES FOR THE INTERPRETATION OF DEED
RESTRICTIONS AND FOR APPLICATION OF DESIGN
REVIEW POLICIES, PROCEDURES, AND GUIDELINES.**

POLICY NUMBER: 7000

Background. Under §61601.10 of the California Government Code, the El Dorado Hills Community Services District is empowered to "...enforce the covenants, conditions, and restrictions adopted for each tract within the boundaries of the district, and assume the duties of the architectural control committee for each tract within the boundaries of the district and for other tracts as may be annexed from time to time, for the purpose of maintaining uniform standards of development within the district as adopted in the covenants, conditions, and restrictions. However, the district shall exercise the duties of an architectural control committee for any tract only to the extent authorized by the covenants, conditions, and restrictions applicable to the tract."

The El Dorado Hills electorate approved Measure B in 1983 authorizing this authority. In 1993, the District accepted the authority of the El Dorado Hills Architectural Control Committee ("ACC") and the District Board of Directors appointed the El Dorado Hills Design Review Committee ("DRC") as an advisory body to the Board to conduct the duties of the ACC with all actions appeal able to the Board of Directors. Of the over one hundred individual covenants, conditions and restrictions ("CC&R's") in El Dorado Hills, the District has design authority over approximately two thirds.

Purpose. In order to ensure consistent and fair application of the CC&R's for design review purposes, the Board establishes the following principles to guide future boards, advisory committees, and staff. All Guidelines present and future will adhere to the letter and spirit of this policy.

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.

7000.11 Amendments to the CC&R's. It is the right and responsibility of the property owners of a particular unit to vote to change items in the CC&R's, applicable only to that unit, that they feel are not in the best interest of the respective unit as a whole. Changes or amendments shall be carried out in accordance to the voting requirements of the unit's CC&R's.

7000.12 Interpretation.

1. The DRC will promote harmonious development and maintain property values within a village by making its decisions based on the specific language set forth in the CC&R's.
2. The DRC will be required to approve any property improvement application that on its own merit is in accordance with the applicable CC&R's.
3. No authority exists to impose restrictions or conditions from one set of CC&R's to another. Therefore, under no circumstances will the DRC transfer any portion from one CC&R to another for the purposes of design review.
4. When the CC&R's do not give specific guidelines for a particular improvement, or are vague or silent on the matter at hand the following criteria shall be used.
 - 4.1. When the CC&R's do not provide exact and specific guidance but do require DRC review of a particular property improvement, the DRC will use guidelines provided in the **Guideline Manual**, previously approved by the CSD Board and set forth in writing, to provide an objective analysis of the improvement.
 - 4.2. Unless specifically prohibited by the CC&R's, the DRC will consider, not prohibit new standards of color, materials, or increased durability.
 - 4.3. When the DRC is unable to provide a fact based, reason for denial the DRC will decide in favor of the property owner and approve the application.
5. The DRC will use an objective decision making process to review applications for property improvement and in absence of approval will document, and provide to the applicant, a clear basis for their decision.
6. Upon DRC review if the CC&R's do not specifically require DRC approval, the property improvement will not be subjected to the review process. The application and any fees will be returned, in full, to the applicant. At the property owners request, the DRC may review applications for improvements not required by the applicable CC&R's but submitted by the property owner and provide recommendations based on experience and provisions of the **Guideline Manual**, but may not approve or deny the non-required application.
7. Decisions of the DRC may be appealed to the CSD Board of Directors. The appeals process shall be given, in writing, to all applicants denied under the DRC review process.
8. Deliberation by DRC's, current and future, will be made within the strict constraints of the provisions of this policy.

7000.13 **Amendments to the DRC Policy and Guideline Manual.** All proposed amendments to the DRC Policy and **Guideline Manual** must be submitted in writing to the CSD Board. Amendments under consideration by the Board will be made available to the public at least thirty (30) days prior to the agenda date for final approval. The method of public notification will include but is not limited to, posting on the CSD website, publishing in local newspapers with general circulation, and posting at regular public viewing sites. If the Board formally adopts the proposed amendment, they will provide the specific language to be used to the CSD staff. The CSD staff will revise, encode with current revision number and Board adoption date, and publish the revised Policy and Guidelines Manual. CSD staff will maintain an archive of the previous revisions. Amendments that are rejected or have not been formally adopted by the Board and implemented by CSD staff will not be published in the **Guideline Manual** nor be used in the review of a submitted application.

Approved by Board of Directors, December 9, 2004.

