

Cameron Park Community Services District  
2502 Country Club Drive  
Cameron Park, CA 95682



**Covenants, Conditions & Restrictions (CC&R) Committee**  
**Monday, February 4, 2019**  
**5:30 p.m.**

**Cameron Park Community Services District**  
**2502 Country Club Drive, Cameron Park**

**Agenda**

Members: Chair Director Ellie Wooten (EW), Vice Chair Sidney Bazett (SB), Director Felicity Carlson (FC),  
Gerald Lillpop (GL), Robert Dalton (RD),  
Alternate Director Holly Morrison (HM)  
Staff: General Manager Jill Ritzman, CC&R Compliance Officer Kate Magoolaghan

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF CONFORMED AGENDA**
- 5. OPEN FORUM**

*At this time, members of the Committee or public may speak on any item not on the agenda that falls within the jurisdiction of this Committee; however, no action may be taken unless the Committee agrees to include the matter on a subsequent agenda.*

*Principal party on each side of an issue (where applicable) is allocated 10 minutes to speak, individual comments are limited to four minutes and individuals representing a group allocated five minutes. Individuals shall be allowed to speak to an item only once. The Committee reserves the right to waive said rules by a majority vote.*

**COMMITTEE REVIEW/ACTION**

- 6. Draft Procedure Proposal for CC&R Variance Requests** (Draft procedure attached and discussion - K.Magoolaghan)  
Action: Review and Approve
- 7. Parking Enforcement** (K.Magoolaghan)  
Action: Review and Discuss

## **8. MONTHLY STAFF REPORT**

- Staff Update
- Initial Notices - 18
- Final Notices - 6
- Pre-Legal Notices - 1
- Legal Cases - 0
- Corrected Violations –

Note: There are no violations currently requiring committee action. A list of current violations will be available at the meeting. There are no violations currently in Legal status.

## **9. Items for the March CC&R Committee Agenda**

## **10. Items to take to the Board of Directors**

## **11. MATTERS TO AND FROM COMMITTEE MEMBERS**

## **12. ADJOURNMENT**

Cameron Park Community Services District  
2502 Country Club Drive  
Cameron Park, CA 95682



**Covenants, Conditions & Restrictions (CC&R) Committee**  
**Monday, January 7, 2019**  
**5:30 p.m.**

**Cameron Park Community Services District**  
**2502 Country Club Drive, Cameron Park**

**Conformed Agenda**

Members: Director Ellie Wooten (EW), Director Felicity Carlson (FC), Gerald Lillpop (GL),  
Robert Dalton (RD), Sidney Bazett (SB)  
Alternate Director Holly Morrison (HM)  
Staff: General Manager Jill Ritzman, CC&R Compliance Officer Kate Magoolaghan

1. **CALL TO ORDER** – 5:33pm
2. **ROLL CALL** – EW/FC/RD/SB (GL was absent)
  - Nominate Committee Chair

*Chair Director Ellie Wooten and Vice Chair Sidney Bazett*

3. **APPROVAL OF AGENDA** – SB/EW
4. **APPROVAL OF CONFORMED AGENDA** – SB/EW
5. **OPEN FORUM**

*At this time, members of the Committee or public may speak on any item not on the agenda that falls within the jurisdiction of this Committee; however, no action may be taken unless the Committee agrees to include the matter on a subsequent agenda.*

*Principal party on each side of an issue (where applicable) is allocated 10 minutes to speak, individual comments are limited to four minutes and individuals representing a group allocated five minutes. Individuals shall be allowed to speak to an item only once. The Committee reserves the right to waive said rules by a majority vote.*

**COMMITTEE REVIEW/ACTION**

6. **Draft Procedure Proposal for CC&R Variance Requests** (Draft procedure attached and discussion - K.Magoolaghan)  
Action: Review and Discuss

*Motion to Approve Draft Procedure for CC&R Variance Requests with the following corrections:*

- *Page 2 of 3; Section 1a – Change from “no less than 75%” to “no less than 2/3”*
- *Page 2 of 3; Section 1a- Change from “right to extend the radius” to “ adjust the distance”*
- *Page 2 of 3; Section 1a – Change “250 foot radius of the subject property” to “250 feet of the subject property boundary” and remove the sentence that followed.*
- *Page 2 of 3; Section 3d – Change from “each subsequent year that the variance is renewed” to “renewal”*

*Motion by: FC, Second: EW*

*Ayes - 4*

*Noes - 0*

*Absent – GL*

## **7. MONTHLY STAFF REPORT**

- Staff Update
- Initial Notices - 14
- Final Notices - 4
- Pre-Legal Notices - 1
- Legal Cases - 0
- Corrected Violations - 2

Note: There are no violations requesting action at this time. A list of current violations will be available at the meeting. There are no violations currently in Legal status.

## **8. Items for February and Future CC&R Committee Agendas**

- *Overnight Parking*
- *Community Volunteers for Cleanups*

## **9. Items to take to the Board of Directors**

## **10. MATTERS TO AND FROM COMMITTEE MEMBERS**

## **11. ADJOURNMENT – 6:32pm**



## Agenda Transmittal

**DATE:** February 4, 2019

**FROM:** Kate Magoolaghan, CC&R Compliance Officer

**AGENDA ITEM #6:** **DRAFT PROCEDURE PROPOSAL FOR TEMPORARY CC&R VIOLATION VARIANCE REQUEST DUE TO HARDSHIP**

**RECOMMENDED ACTION:** **REVIEW & APPROVE**

### INTRODUCTION

At the CC&R Committee meeting on January 7, 2019 the draft procedure proposal was approved to be forwarded for legal opinion. The attached copy reflects edits and comments to the Committee-approved version made by the attorney, Brad Epstein of Angius and Terry, LLC.

### DISCUSSION

The draft includes both clerical and material edits. While there are a large number of edits, the most notable material modifications are to 1a through c and also 2b.

In Section 1, the sequence of steps has been modified and will involve the CC&R Committee granting conditional approval of the proposed temporary variance prior to the property owner obtaining the required signatures from the neighboring property owners. The process is improved by changing these steps because:

- Property owner has a copy of the conditionally approved temporary variance, including the specific language, to present to the neighboring property owners;
- Reduces confusion about the proposed variance;
- Eliminates the possibility of having the proposed variance rejected either in part or in its entirety by the Committee and the property owner having to go back to the neighboring property owners.

Once the signatures have been reviewed by the CC&R Compliance Officer, the variance would go into effect without having to return to the Committee.

In Section 2, a section was added to address the process for when a compliant is submitted during the initial 60 days. This was not previously addressed in the procedure.

If the CC&R Committee members are in agreement with these modifications, the procedure may be approved as is. Significant changes requested by the Committee may require additional review by the attorney.

Attachments:

A – Temporary Variance Draft with Attorney Edits

B – Temporary Variance Draft (clean copy)

Cameron Park  
Community Services District



## Agenda Transmittal

**DATE:** January 7, 2019

**FROM:** Kate Magoolaghan, CC&R Compliance Officer

**AGENDA ITEM #6:** **DRAFT PROCEDURE PROPOSAL FOR TEMPORARY CC&R  
VIOLATION VARIANCE REQUEST DUE TO HARDSHIP**

**RECOMMENDED ACTION:** **REVIEW & DISCUSS**

### INTRODUCTION

At the October 2018 CC&R Committee meeting, a property owner who was in violation of their CC&Rs made a request for variance due to hardship. The Committee asked staff to explore a potential variance proposal. At the November 2018 CC&R Committee meeting, staff presented a provisional variance for the one isolated violation. Staff continued to work on a more formalized process to address any future requests. An updated draft of the Temporary CC&R Violation Variance Due to Hardship procedure includes revisions as requested by the CC&R Committee at the December 2018 Meeting.

The following draft proposal seeks to provide property owners an opportunity to appeal to the CC&R Committee for a CC&R Violation variance based on hardship. This process requires the property owner to engage the neighbors that would most likely be impacted by a variance. Staff requests an Application Fee of \$50.00 due up front, a \$50.00 fee upon commencement of the variance, and a \$50.00 fee for renewal requests ~~and an annual Admin Fee of \$50.00~~ be added to the schedule of fees to help offset the cost of managing and tracking the variance.

### DISCUSSION

Staff has drafted the following procedure and requests Committee feedback. Staff has had preliminary conversations with legal counsel regarding this proposal. We have thus far concluded that the District has the authority except where a certain set of CC&Rs may

prohibit granting variances. A finalized procedure will be presented for legal opinion following CC&R Committee discussion and feedback.

The proposed procedure is as follows.

1. a. ~~Those Property owners~~ requesting a temporary variance due to a hardship must submit ~~an appeal request~~ to the CC&R Committee. ~~A \$50.00 application fee will be due at that time.~~ ~~The CPCSD will place the property owner's request on the CC&R Committee's meeting agenda for review and action.~~ ~~The appeal process is as follows:~~

b. After the property owner obtains the CC&R Committee's approval for the temporary variance, ~~conditioned on the property owner obtaining written signed consents from proximal neighbors ("conditional approval"), then the~~ The property owner must ~~initiate the process by first engaging~~ proximal neighbors ~~as follows.~~

c. ~~Within thirty days of the CC&R Committee giving conditional approval for the temporary variance,~~ ~~t~~The property owner must obtain ~~agreement-written signed consent to the variance~~ from no less than ~~two-thirds~~66.7% of the property owners ~~that are both~~ within (i) 250 feet of the subject property boundary and (ii) within the same subdivision. ~~CC&R Officer reserves the right to reasonably adjust the distance on a case by case basis when additional property owners may be affected.~~

d. ~~A~~The property owner must obtain the written signed consent pursuant to 1.a. above on a form provided by the District, ~~which document outlines~~ ~~the proposed variance parameters must be presented to each of the property owners within the specified area per 1(a).~~

a. ~~Each neighbor property owner must specify whether they support or object to the proposed variance.~~

e. If the ~~requester-property owner~~ is able to obtain the required ~~signatures in support~~consents, ~~then~~ they may submit ~~the form a request for variance~~ to the CC&R Compliance Officer ~~for final approval~~~~to be put on the Agenda for CC&R Committee for review and action.~~ ~~A \$50.00 Application Fee will be due at that time.~~

**Commented [BJE1]:** It is typically difficult to determine all such owners, due to the irregular shape of some lots.

**Commented [BJE2]:** Giving this discretion will increase the likelihood of a successful lawsuit by the requesting owner and owners that oppose the variance.

**Commented [BJE3]:** I believe that this step would be unreasonably difficult. This is because not only is it difficult to obtain written consents, but more difficult to obtain responses from all owners, especially from off-site owners.



~~2.1.~~ If a variance request is approved by the CC&R Committee Upon the CC&R Compliance Officer's final approval:

- a. The temporary variance will be granted for a period of 60 days ~~following the commencement of the variance from the final approval.~~ The vVariance will be posted on the CPCSD website and in a conspicuous location at the District Office during that time.
- b. If after 60 days no complaints pertaining to the requested temporary variance have been submitted to the CC&R Compliance Officer, the temporary variance will automatically convert to the full timeframe as approved by the CC&R Committee not to exceed 12 months from commencement. If the CC&R Compliance Officer receives complaints within the 60-day period, then the CPCSD will notify the property owner of the complaints, and the CC&R Committee will place the matter of the temporary variance on its meeting agenda for review and action, which may include termination of the temporary variance.
- c. A \$50.00 administrative fee will apply and must be paid prior to the temporary variance going into effect ~~and must be paid within 30 days of CC&R Committee approval.~~

~~3.2.~~ If a property owner would like to renew the temporary variance:

- a. The CC&R Compliance Officer must ~~receive written be notification of the request to renew at least 60 days prior to the expiration of the temporary variance to request a renewal.~~
- b. Once the CC&R Compliance Officer receives the request to renew, it will place the matter of the renewal on the CC&R Committee's meeting agenda for review and action, which may include granting the request for the renewal. While the request is pending, the temporary variance will remain in effect. The property owner must appear before the CC&R Committee no less than 30 days prior to the expiration of the variance.
- c. A ~~petition request~~ for variance is not required for renewal. However, the District will send the owner's renewal request to the neighboring property owners within the radius as determined per 1(a) of this procedure at least fifteen days before the CC&R Committee decides whether to grant the

~~property owner's request, must be notified of the renewal request~~ to allow for public comment.

- d. ~~The~~ An additional \$50.00 Administrative Fee will also apply and must be paid for each subsequent renewal of the variance.

4.3 Once a variance is granted, the following conditions will also apply:

- a. If the subject property is sold ~~or occupancy changes~~, the temporary variance will be automatically ~~revoked~~ terminated.
- b. If the property owner deviates from any of the conditions ~~contained within the approved variance document~~ imposed by the CC&R Committee, then the variance will be ~~revoked~~ terminated immediately upon confirmation of the deviation by the CPCSD CC&R Compliance Officer.

**Variations will not be granted where a given set of CC&Rs explicitly prohibit such variations.**



*Cameron Park  
Community Services District*

## **Agenda Transmittal**

**DATE:** January 7, 2019

**FROM:** Kate Magoolaghan, CC&R Compliance Officer

**AGENDA ITEM #6:** **DRAFT PROCEDURE PROPOSAL FOR TEMPORARY CC&R  
VIOLATION VARIANCE REQUEST DUE TO HARDSHIP**

**RECOMMENDED ACTION:** **REVIEW & DISCUSS**

### **INTRODUCTION**

At the October 2018 CC&R Committee meeting, a property owner who was in violation of their CC&Rs made a request for variance due to hardship. The Committee asked staff to explore a potential variance proposal. At the November 2018 CC&R Committee meeting, staff presented a provisional variance for the one isolated violation. Staff continued to work on a more formalized process to address any future requests. An updated draft of the Temporary CC&R Violation Variance Due to Hardship procedure includes revisions as requested by the CC&R Committee at the December 2018 Meeting.

The following draft proposal seeks to provide property owners an opportunity to appeal to the CC&R Committee for a CC&R Violation variance based on hardship. This process requires the property owner to engage the neighbors that would most likely be impacted by a variance. Staff requests an Application Fee of \$50.00 due up front, a \$50.00 fee upon commencement of the variance, and a \$50.00 fee for renewal requests be added to the schedule of fees to help offset the cost of managing and tracking the variance.

### **DISCUSSION**

Staff has drafted the following procedure and requests Committee feedback. Staff has had preliminary conversations with legal counsel regarding this proposal. We have thus far concluded that the District has the authority except where a certain set of CC&Rs may

prohibit granting variances. A finalized procedure will be presented for legal opinion following CC&R Committee discussion and feedback.

The proposed procedure is as follows.

1. a. Property owners requesting a temporary variance due to a hardship must submit a request to the CC&R Committee. A \$50.00 application fee will be due at that time. The CPCSD will place the property owner's request on the CC&R Committee's meeting agenda for review and action.

b. After the property owner obtains the CC&R Committee's approval for the temporary variance, conditioned on the property owner obtaining written signed consents from proximal neighbors ("conditional approval"), then the property owner must engage proximal neighbors as follows.

c. Within thirty days of the CC&R Committee giving conditional approval for the temporary variance, the property owner must obtain written signed consent to the variance from no less than 66.7% of the property owners that are both within (i) 250 feet of the subject property boundary and (ii) within the same subdivision. CC&R Officer reserves the right to reasonably adjust the distance on a case by case basis when additional property owners may be affected.

d. The property owner must obtain the written signed consent pursuant to 1.a. above on a form provided by the District, which outlines the proposed variance.

e. If the property owner is able to obtain the required consents, then they may submit the form to the CC&R Compliance Officer for final approval.

1. Upon the CC&R Compliance Officer's final approval:

a. The temporary variance will be granted for a period of 60 days from the final approval. The variance will be posted on the CPCSD website and in a conspicuous location at the District Office during that time.

b. If after 60 days no complaints pertaining to the requested temporary variance have been submitted to the CC&R Compliance Officer, the temporary variance will automatically convert to the full timeframe as

approved by the CC&R Committee not to exceed 12 months from commencement. If the CC&R Compliance Officer receives complaints within the 60-day period, then the CPCSD will notify the property owner of the complaints, and the CC&R Committee will place the matter of the temporary variance on its meeting agenda for review and action, which may include termination of the temporary variance.

- c. A \$50.00 administrative fee will apply and must be paid prior to the temporary variance going into effect.
2. If a property owner would like to renew the temporary variance:
- a. The CC&R Compliance Officer must receive written notification of the request to renew at least 60 days prior to the expiration of the temporary variance.
  - b. Once the CC&R Compliance Officer receives the request to renew, it will place the matter of the renewal on the CC&R Committee's meeting agenda for review and action, which may include granting the request for the renewal. While the request is pending, the temporary variance will remain in effect. .
  - c. A request for variance is not required for renewal. However, the District will send the owner's renewal request to the neighboring property owners as determined per 1(a) of this procedure at least fifteen days before the CC&R Committee decides whether to grant the property owner's request, to allow for public comment.
  - d. An additional \$50.00 Administrative Fee will also apply and must be paid for each subsequent renewal of the variance.
3. Once a variance is granted, the following conditions will also apply:
- a. If the subject property is sold, the temporary variance will be automatically terminated.
  - b. If the property owner deviates from any of the conditions imposed by the CC&R Committee, then the variance will be terminated immediately upon confirmation of the deviation by the CPCSD CC&R Compliance Officer.

**Variations will not be granted where a given set of CC&Rs explicitly prohibit such variations.**



## Agenda Transmittal

**DATE:** February 4, 2019

**FROM:** Kate Magoolaghan, CC&R Compliance Officer

**AGENDA ITEM #7:** PARKING VIOLATION ENFORCEMENT

**RECOMMENDED ACTION:** REVIEW & DISCUSS

### INTRODUCTION

Staff is seeking Committee feedback to help ensure effective enforcement for CC&R parking violations.

Many of the complaints submitted to the CC&R compliance office involve improperly parked vehicles. These complaints range from recreational vehicles to overnight parking. Due to the nature of some of these violations and the available resources to address them, enforcement is challenging. The Discussion Section below outlines a few of the challenges and additional resources.

### DISCUSSION

Overnight Parking - A few subdivisions have a CC&R clause that prohibits overnight parking. The clauses do not define what constitutes overnight parking. This ambiguity raises questions such as what hours are prohibited and what length of time would be considered "overnight." Additionally, District procedure requires staff to perform a visual inspection prior to taking action. Overnight parking occurs well outside of business hours.

Reported Abandoned vehicles - Vehicles parked on the street that have not been moved for an extended length of time are often reported to the CC&R office. Staff must make several trips to try to determine if the vehicle has moved. The District does not have the ability to:

- Determine with certainty whether a vehicle is in fact abandoned.
- Confirm registered owners to determine if a vehicle belongs to a property in the area. Hence, staff is in a position of assuming that a vehicle is associated with the property that it is parked in front of. This is not always the case. Consequently, a property owner may receive a letter for a violation that does not pertain to them.
- Impose parking fines or tow a vehicle away.
- Mark tires.

Too many cars parked in front of a property - This may refer to cars parked on the street but often involves several cars parked in a driveway. In some cases, a set of CC&Rs may stipulate that cars may only be parked in the driveway if they are used on a regular basis. In other cases, the CC&Rs limit the number of cars allowed to be parked in a driveway. Staff must make several trips to observe which vehicles are present and whether they have moved. Additionally, since cars are often moved throughout the day it is difficult to observe the violation.

Recreational Vehicles/Boats/Trailers - These violations are typically less ambiguous and in most cases enforcement efforts are less difficult. Keeping up with the volume of violations is the biggest challenge. Public education and improved enforcement consistency will help alleviate the problem over time. A few subdivisions do not prohibit parking these types of recreational vehicles in view of neighbors.

### **Additional Resources**

Staff sought assistance from the El Dorado County Sheriff's vehicle abatement team and the CHP with addressing some of the street parking issues. These agencies have more options for enforcement and are typically more effective. In order to reach the ultimate goal of abating the problem, cooperation with partnering agencies is often the most effective option. These agencies also struggle with limited resources and are not always available to assist in street parking violations.

### **CONCLUSION**

The purpose of this agenda item is to inform the Committee and community about the challenges of addressing CC&R parking violations, and seek feedback about enforcement strategies.