

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

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**
- 2. ROLL CALL**
 - Nominate Committee Chair
- 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 Discuss

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 the February CC&R Committee Agenda

9. Items to take to the Board of Directors

10. MATTERS TO AND FROM COMMITTEE MEMBERS

11. ADJOURNMENT

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



Covenants, Conditions & Restrictions (CC&R) Committee
Monday, December 3, 2018
5:30 p.m.

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

Conformed Agenda

Members: Director Ellie Wooten (EW), Director Monique Scobey (MS), Gerald Lillpop (GL),
Robert Dalton (RD), Sidney Bazett (SB)
Alternate Director Margaret Mohr (MM)
Staff: General Manager Jill Ritzman, CC&R Compliance Officer Kate Magoolaghan

1. **CALL TO ORDER** – 5:33pm
2. **ROLL CALL** – EW/MS/GL/RD/SB
3. **APPROVAL OF AGENDA** – GL/EW
4. **APPROVAL OF CONFORMED AGENDA** – GL/EW (MS and SB abstained)
5. **OPEN FORUM** – no comments

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

Staff was asked to present proposed procedure with revisions at future meeting.

7. Overnight parking enforcement (discussion-K.Magoolaghan)

Action: Discussion

Staff was asked to bring discussion back at future meeting.

8. MONTHLY STAFF REPORT

- Staff Update
- Initial Notices-19
- Final Notice -6
- Pre-Legal Notices-1
- Legal Cases-0
- Corrected Violations-6

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.

9. Items for the January CC&R Committee Agenda

- *Overnight Parking*
- *Variance*
- *Committee Elections*
- *Additional CC&R Workshops*
- *Community Volunteers for Cleanups*

10. Items to take to the Board of Directors

None

11. MATTERS TO AND FROM COMMITTEE MEMBERS

None

12. ADJOURNMENT – 6:32pm



Agenda Transmittal

DATE: January 7, 2019

FROM: Kate Magoolaghan, CC&R Compliance Officer

AGENDA ITEM #6: **DRAFT PROCEDURE PROPOSAL FOR TEMPORARY CC&R 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 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 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 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.

Those requesting a temporary variance due to a hardship must submit an appeal to the CC&R Committee. The appeal process is as follows:

1. The property owner must initiate the process by first engaging proximal neighbors.
 - a. The property owner must obtain agreement from no less than 75% of the property owners within a 250 foot radius of the subject property and within the same subdivision. The distance is to be measured from the closest corner of the subject property line to the closest corner of the neighboring property line. CC&R Officer reserves the right to extend the radius on a case by case basis when additional property owners may be affected.
 - b. A document outlining the proposed variance parameters must be presented to each of the property owners within the specified area per 1(a).
 - c. Each neighbor property owner must specify whether they support or object to the proposed variance.
 - d. If the requestor is able to obtain the required signatures in support, they may submit a request for variance to the CC&R Compliance Officer 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.

2. If a variance request is approved by the CC&R Committee:
 - a. The temporary variance will be granted for a period of 60 days following the commencement of the variance. Variance will be posted on the CSD website and in a conspicuous location at the District Office during that time.
 - b. If after 60 days no complaints pertaining to the requested 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.
 - c. A \$50.00 administrative fee will apply and must be paid prior to the variance going into effect and must be paid within 30 days of CC&R Committee approval.

3. If a property owner would like to renew the temporary variance:
 - a. The CC&R Compliance Officer must be notified 60 days prior to the expiration to request a renewal.
 - b. 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 for variance is not required for renewal. However, property owners within the radius as determined per 1(a) of this procedure must be notified of the renewal request to allow for public comment.
 - d. The \$50.00 Administrative Fee will also apply for each subsequent year that the variance is renewed.

4. 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.
 - b. If the property owner deviates from any of the conditions contained within the approved variance document, the variance will be revoked 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.