

ACC INTERPRETATION: Vehicles and Equipment Enclosures

The CC&R's are designed to preserve a compatible and consistent aesthetic throughout the community that fits within its natural desert setting. In keeping with the ACC's responsibility to review owner's plans for harmony of design it falls to the ACC and the Board to review and interpret Section 8 of the CC&Rs.

Section 8. VEHICLES AND EQUIPMENT. No trailers or habitable motor vehicles of any nature, no commercial vehicles, construction vehicles, or like equipment of any nature shall be kept on or stored on any part of the property except within an area which is completely enclosed and approved in writing by the Association or its appropriate committee.

ACC Interpretation of Section 8. VEHICLES AND EQUIPMENT included but not limited to Trailers, Habitable Motor Vehicles of any nature, RV's, Commercial Vehicles, Construction Vehicles, or like equipment of any nature.

- Depending upon their size, in many cases vehicles and equipment shall require off-site storage.
- It is not the intent of this CC&R interpretation to spur the construction of new storage enclosures throughout the Foothills Clusters as storage of vehicles and equipment on residential properties is generally discouraged by the CC&R's.
- Many properties in the Foothills Clusters are not suitable to add enclosures as many properties have space limitations, proposed enclosures might be disproportionately large compared to the home and surrounding neighborhood, proposed enclosures may be overly conspicuous. In some cases, these factors may result in a negative effect on neighborhood quality of life and home values, and therefore, cannot be considered harmonious.
- "Completely Enclosed" to the ACC can be translated as "totally surrounded on all sides so as to be completely obscured from view" or "Not Visible" from the road, adjacent properties, nearby properties including properties at higher elevations, or common areas, as further detailed herein. "Completely Enclosed" means that the item cannot be seen from the vantage points described in this interpretation.
- Enclosures should feature an architectural style compatible with existing house, surrounding neighborhood, and harmonious with the neighborhood as interpreted by the current ACC Guidelines and the Board.
- Acceptable Enclosure Materials: masonry or in some cases steel or wood fencing or walls without gaps or openings at a height that prevents view of the enclosed item from the road, adjacent properties, nearby properties including properties at higher elevations, or common areas.
- Viewpoints considered shall be from 7' above finished grade. Views from rooftops or observation decks shall not be considered.
- Foliage: natural or cultivated plants, trees, shrubs and/or foliage shall not be considered equal to steel, masonry or wood construction and are not considered acceptable enclosures and shall not be approved by the ACC. The ACC shall not grant waivers, variances, "special" permission to allow foliage in lieu of solid, or nearly solid, lasting, substantial and legitimate enclosures to fully and reliably shield the item from view from the vantage points described in this interpretation.
- A roof is not required to be part of the enclosure as long as the wall height necessary to enclose the vehicle or item does not exceed 7' above finished grade. If the height of the vehicles and/or equipment or the contours of the particular property, street, adjoining properties or common areas require a wall taller than 7' above finished grade to accomplish "enclosure" or "completely obscured from view" then a roofed enclosure meeting ACC requirements and obtaining ACC approval via the ACC application process prior to construction would be required.
- Application shall include a physical description of the vehicle or equipment including its color, dimensions, make, model and photographs of the item from four sides.
- Enclosure approval is specific to a particular vehicle or equipment maximum height and physical dimensions which accomplish "enclosure" or "completely obscured from view". Enclosure approval is not transferable to subsequent property owners with taller vehicles or items of greater dimensions which do not accomplish "enclosure" or "completely obscured from view" unless a new application is submitted and approved.
- Application Process: ACC shall review the proposed vehicle and/or equipment enclosure application. ACC application shall precede Board consideration. Board shall not approve enclosures prior to ACC review for compliance with CC&R's & ACC Guidelines.
- Final enclosure approval is conditioned upon final ACC observation. Should the ACC final observation find the enclosure fails to completely obscure the vehicle and/or equipment from view from the vantage points described in this interpretation, then the ACC and/or Board may require the owner to make further modifications to the enclosure to ensure the vehicle or item is totally hidden from view from the vantage points described in this interpretation before issuing final approval, or, may require the vehicle or item to be stored off-site.