

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 Article VII, 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 Article VII, Section 8. VEHICLES AND EQUIPMENT. This Section places restrictions and conditions on the placement or storage of vehicles and equipment -- including but not limited to Trailers, Habitable Motor Vehicles, RV's, Commercial Vehicles, Construction Vehicles or Equipment, or like vehicles and equipment of any nature -- on any Foothills Clusters property, including the Common Area and individual Lots.

- Depending upon their size, many lots will not accommodate an enclosure of sufficient size to store the vehicle consistent with Article VII, Section 8, which would mean in many cases vehicles and equipment may 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 Foothills Clusters properties is generally discouraged by the CC&Rs.
- Many Lots in the Foothills Clusters are not suitable to add enclosures. For example, many lots have space limitations, proposed enclosures might be disproportionately large compared to the home and surrounding neighborhood, and proposed enclosures may be overly conspicuous, and these factors may result in a negative effect on neighborhood quality of life and home values and, therefore, cannot be considered harmonious.
- The ACC interprets the term "completely enclosed" as requiring that vehicles and equipment be totally surrounded on all sides so as to be completely obscured from view, and thereby not visible from the road, adjacent properties, nearby properties (including properties at higher elevations), and/or common areas, as further detailed in this Interpretation.
- Enclosures should feature an architectural style compatible with the existing house and surrounding neighborhood, and harmonious with the neighborhood as interpreted by the current ACC Guidelines and the Board. Review Article V of the CC&Rs for the considerations that factor into the evaluation of harmonious design and the Architectural Control Committee Guidelines for the Association's interpretation and implementation of those considerations.
- Acceptable Enclosure Materials typically include: masonry, or in some cases steel or wood fencing or walls, without gaps or openings, at a height that prevents view of the enclosed vehicle/equipment from the road, adjacent properties, nearby properties (including properties at higher elevations), and/or common areas. The ACC may consider other gapless materials, but all materials are subject to the ACC's review for harmony of design and complete enclosure.
- Viewpoints considered shall be from 7' above finished grade. Views from rooftops or observation decks shall not be considered.
- Foliage: shielding on one or more sides by natural or cultivated plants, trees, shrubs and/or foliage is not considered a complete enclosure of the kind contemplated by the CC&Rs and will not be approved by the ACC. The ACC will not grant waivers, variances, or special permission of any kind to allow foliage in lieu of solid (or nearly solid), long-lasting, substantial and legitimate enclosures to fully and reliably shield the vehicles/equipment from view from the vantage points described in this Interpretation.
- Roofs: 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, and the vehicle is not visible from properties at higher elevations at the point of view consideration defined above. If the height of the vehicles and/or equipment, and/or the contours of the particular property, street, adjoining properties or common areas, require a wall taller than 7' above finished grade to completely obscure the vehicles and/or equipment from view, then a roofed enclosure (meeting ACC requirements and having ACC approval via the ACC application process prior to construction) would be required to create a complete enclosure.
- Applications for approval of proposed enclosures must be complete submittals using standard ACC forms and must follow the ACC application process. Include a physical description of the vehicle or equipment to be enclosed, including its color, dimensions, make, and model; and photographs of the vehicle or equipment from all four sides.
- Enclosure approval by the ACC is specific to a particular vehicle's or equipment's maximum height and physical dimensions, to ensure that the enclosure completely obscures the vehicle/equipment from view. Enclosure approval is not transferable to other vehicles or equipment (whether owned by the current or any subsequent Lot owner) that would not, for any reason, be completely obscured by the enclosure from view, unless a new application is submitted and approved.
- Application Process: ACC will review proposed vehicle and/or equipment enclosure applications upon submission by the Lot owner. ACC application shall precede any Board consideration of the proposal. The Board will not approve enclosures prior to ACC review of the proposal for compliance with CC&Rs, as interpreted and implement through the ACC Guidelines.
- Final approval of the enclosure is conditioned upon final ACC physical observation of the completed enclosure and vehicle/equipment for conformity with the approved plan/application. Should the ACC final observation find that the enclosure fails to conform to the approved plan/application, or 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 Lot owner to modify the enclosure to ensure that the vehicle or item is completely obscured from view, as required by the CC&Rs, as interpreted and implemented through the ACC Guidelines, before issuing final approval of the enclosure. Until the application and enclosure are approved by the ACC, the vehicle or equipment must be stored off-site.