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March 2016

Dixie Springs Community Newsletter

<http://dixiesprings.org>

COMMUNITY GARAGE SALE

On 16 April 2016 (Saturday), we will have our annual Dixie Springs community garage sale. It will run from 8 am to 4 pm. You will set up the sale at your home. Put a large sign at your house that can be seen from down the street, or place flags to attract attention.

We need a large participation in the garage sale so that people will know it is worth their time to come to the sale.

We need \$5 per house to cover the costs of the sale. The money is used for advertising in the paper, placing

signs and printing a map that shows where the sales are. Those will be handed out to people coming to the sale.

To participate, give your \$5, your lot number and your street address to Deanna Sudweeks, MDSProp@aol.com, 2499 S. Wilson Dr, or Debbie Hohenstein, dhohens@sbcglobal.net.

To get your home marked on the map, your \$5 and lot number must be received by 11 April.

DIXIE SPRINGS PICNIC AND CONCERT IN THE PARK

On 9 May 2016 (Monday), we will have a Dixie Springs Picnic and Concert in the park. This will be a family event. Everyone will bring a picnic to the Dixie Springs park and enjoy socializing with your neighbors. There will also be other activities planned. The picnic

will start at 5:30 pm. At 6:30 pm, the Hurricane Community Choir will perform. They will sing a mixture of patriotic and other music.

We are working on another picnic and concert in June. There will information in future newsletters.

HOUSING APPROVALS IN DIXIE SPRINGS

It has been a very busy month for your ACC. There have been 18 house approvals submitted to the ACC

in the few months. The updated numbers are on page 2.

DIXIE SPRINGS AND AREA ACTIVITIES

Skeet Shooting

Every Wednesday at 9 am, meet at the Purgatory Clay Sports range for fun shooting skeet. Contact Karl at kjcarlton@yahoo.com if you have any questions.

Hurricane Community Choir

The choir rehearses each Wednesday evenings at 7 pm starting on 3 Feb 2016. Contact NancyLCrowley@outlook.com for more information.

Pickle Ball

A number of residents go every Tuesday and Thursday at 3 pm to play Pickleball at the courts by the High School. Contact Deanna Sudweeks at 602-768-2603.

Ladies Luncheon

The ladies of Dixie Springs meet for lunch on the first Tuesday of each month at noon at the Sand Hollow Golf Course restaurant. Come join us!

Motorcycle Trail Bike Riders

We have started a small group of trail bike riders that go on short trips around the area. Please see this web site for more information: trail90utah.com.

ATV

Contact Debbie at dhohens@sbcglobal.net or Mike at mikemunsell65@yahoo.com if you would like to join the community ATV rides.

Weaving

Calling all weavers, spinners and "want to be" weavers and spinners! We meet the first Monday from Oct to May at 5:30 pm at the Washington Branch of the

Washington County library system, 220 N 300 E, Washington Utah. If you have any questions, email NancyLCrowley@outlook.com

Motorized RVs

If you have a motorized RV, join the Red Rock Rovers! They are a great group that plans great trips 4 times per year. For more info, go to <http://www.redrockers.org/>.

Cannery Trip

Once a month, a group goes to the cannery in St George on the first Wednesday of the month. You can purchase freeze dried canned foods with long shelf lives. The group meets at 9:30 am in front of the mailboxes on the corner of Wilson and Dixie Springs Drive. The group carools from that location.

DIXIE SPRINGS STATISTICS

Section	# Lots	# w/houses	Percent
A	225	139	625
B	231	135	58%
C	274	50	18%
D	204	62	30%
E	259	40	15%
F	111	15	14%
G	86	40	475
Total	1390	481	35%

RECOMMENDED VENDORS

Since there are quite a number of vendors, this section will just be used for new entries. Past entries are on the

Dixie Springs web site at:

<http://dixiesprings.org/shop-local/>

HOME CHANGES THAT REQUIRE DIXIE SPRINGS ACC APPROVAL

Many changes that you make to your home after it is built must be approved by the ACC. For example, you need ACC approval if you add an addition, a shed, restucco the house, add solar, add a shelter, add a wall, etc.

You need to provide documentation and a \$25 payment. A description of what you need to do is on this page:

ACC HELP NEEDED

Dixie Springs is growing fast and the ACC needs your help. We need people for committees that would help with some of the tasks the ACC needs to do. This is not a board position but you would really help the

<http://www.dixiespringsacc.org/owners.htm>

If you do not get ACC approval, you may be subject to a fine process or may be required to make changes.

If you have any questions about what needs ACC approval or the process. Please email the ACC at plans@dixiespringsacc.org. We will help you any way we can.

NIGHTLY RENTALS

The moratorium on nightly rentals has been extended for one more month but it looks like they are going to come up with another ordinance. Here is an article that gives details:

<https://www.stgeorgeutah.com/news/archive/2016/02/11/hurricane-council-comes-conclusions-vacation-rentals/#.VtMdm3z2Z9M>

This is what they decided:

- There must be 600 feet or more between each rental
- There will be a cap of two-three vacation rentals per 1,000 population
- Any home used as a vacation rental must be used as a traditional residence for at least a year before it can be converted into a vacation rental
- Each vacation rental owner will be subject to a \$300-\$400 annual licensing fee to help pay for enforcement

community by volunteering to serve on a committee. This should not be a large time commitment. If you would like to volunteer, please email the ACC at info@dixiespringsacc.org.

Currently, 12 vacation rentals are operating with legal licenses under the ordinance — seven of them in the Dixie Springs area. Planning Director Toni Foran said she receives three inquiries per week about vacation rentals in Dixie Springs.

I received this email from the mayor:

We have severely limited the number of units and have kept a moratorium in place. The state legislature is challenging Hurricane for violating people's property use rights and for limiting trade and commerce. You may want to follow their actions. We are trying to protect residential areas and neighborhoods as they are. Springdale paid a landowner 895,000 dollars for not allowing him to build a Subway restaurant because the people did not want chain restaurants in town. The lawsuit will be paid by the 500 who live in Springdale. We will keep trying.

AMENDMENT 4 TO THE DIXIE SPRINGS CC&RS

There is a 4th amendment to the Dixie Springs CC&Rs. The person that developed Dixie Springs still controls the CC&Rs and was concerned about some lots being too small to have 1800 ft² on the main floor and still fit features like three car garages. Some residents have seen an earlier version of this amendment but an updated amendment has been filed. It is on the following page on the Dixie Springs ACC web site:

<http://www.dixiespringsacc.org/information.htm>

It states that for one story homes, the home must be a minimum of 1800 ft². For 2 story homes, the main floor must be at least 1600 ft² and the entire home must be at least 2600 ft².

The other important change is the authority to change the CC&Rs has been handed over to the residents of Dixie Springs. A change to the CC&Rs requires approval from 51% of the lot owners in Dixie Springs.

ACTIONS IF VIOLATIONS OF CC&RS ARE KNOWN BUT NOT DISCLOSED

What happens if an owner is aware of an existing violation of the CC&Rs and sells the lot without disclosing it to the buyer? Under Utah law if the owner of a property is aware that there is an existing violation on their property, under Utah law it must be disclosed to the potential buyer. Most sales are done using the Utah Association of Realtors forms. This issues is addressed on the Seller's Property Conditions and Disclosures which specifically asks the seller to

disclosure any known violation of the CC&Rs. Failure to disclosure a known violation could result in liability for the prior owner to the buyer. Buyer should also do their homework as well, and try as best they can to investigate the property and any violations.

The foregoing is for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem.

LADIES MONTHLY LUNCHEON

A reminder that the ladies meet once per month on the first Tuesday of each month at the Sand Hollow restaurant at noon. I challenge each of you to bring one

person with you to the next luncheon. It is a great way to get to know the people in the community.

DIXIE SPRINGS CC&RS

July 2015, CCR management, ACC member selection

August 2015, Powers of the ACC

September 2015, Building Restrictions

October 2015, Building Restrictions (con't)

November 2015, Landscaping

December 2015, Use Restrictions

January 2016, Use Restrictions (con't)

February 2016, General Provisions

Section 6. Additional Enforcement Provisions

The ACC has the right and the authority to enforce the CC&Rs as set forth in this Section.

(a) The ACC will provide written notice of the violation to the Owner of the Lot which is in violation. The notice will be deemed to have been delivered upon the earlier of hand delivery of the notice to the Owner or three days after the ACC places this notice in the US Mail postage prepaid, addressed to the lot Owner.

(b) The Owner may request a hearing with the ACC within 30 days after the receipt of the violation notice by using the contact information provided in the notice.

i. If the Owner requests a hearing, the hearing will take place within 30 days after the ACC receives the request. At the hearing, the Owner will have the opportunity to be heard and either dispute the existence of a violation or present a plan to remedy the violation. If the Owner disputes the existence of a violation and the ACC, by majority vote, disagrees with the Owner, the Owner will have 14 days after the date of the hearing in which to provide the ACC with a plan to remedy the violation.

ii. If the Owner does not request a hearing, the Owner will have 30 days after the Owner receives a violation notice to present a plan to the ACC to remedy the violation. If the Owner is able to remedy the violation prior to the deadline to present a plan, the Owner may provide notice to the ACC that the violation has been remedied instead of presenting a plan.

(c) All Owners plans to remedy violations must

include a specific timeline by which the Owner will be in full compliance. The ACC will have the authority to approve the timeline in its sole discretion based on the ACC's responsibility to ensure reasonable and timely compliance for the benefit of the Property as a whole.

(d) If an Owner fails to submit a plan to remedy a violation, the ACC will issue a second violation notice. The second violation notice will include a deadline for reasonable and timely compliance. The ACC will determine the deadline in its sole discretion, but the deadline will not be less than 30 calendar days after the second violation notice.

(e) If an Owner fails to comply by the deadline to remedy any violation, the Owner will be assessed a fine of \$100 by the ACC, any assessment shall become a lien which shall attach to the Owner's Lot. The ACC may also impose an additional fine of \$100 for every 30 days thereafter that the Owner is not in compliance.

(f) Owners will pay fine amounts in full within 90 days. If fine amounts have not been paid in full, the Owner will incur an additional assessment of \$50 for every 30 days until all balances owed by the Owner for the Lot are paid in full regardless of whether the original violation has been corrected.

(g) All fines related to any Lot will be added together in one "account" and outstanding balances will be subject to the Provisions set forth above, regardless of whether the fines relate to one or more violations of the CC&Rs.

(h) If an account remains in default for a period of one year after the lien attached, the ACC will have the right to foreclose on the Lot using the sane procedures and rights outlined in Sections 208 and 301 through 308 of Utah Code Annotated Chapter 57-8a. For purposes of those Sections, Jenny T. Jones of Faux Walker & Jones, PLLC is the initial trustee. The Trustee may be contacted at 520 E. Tabernacle, Suite 100, Saint George, UT 84770.

DIXIE SPRINGS CC&RS (CON'T)

(i) In addition to the fines assessments the Owners will be liable to pay any and all costs and fees, including a reasonable attorney's fee incurred in connection with any enforcement or collection action related to the Owner's violation of the CC&Rs.

I think this section is pretty clearly written. Until this amendment, the only people that could enforce the CC&Rs were the residents of Dixie Springs, which is not a great situation. Now, the ACC can enforce them

Some people have been concerned because they do not see a lot of action in correcting problems with a lack of the maintenance of the front landscaping in some lots. There are also other CC&Rs violations that have been brought to the attention of the ACC. The ACC is going through the process defined above. As you can see, it takes time to get to the fine process which will hopefully encourage some lot owners to maintain their properties and generally adhere to the CC&Rs. The ACC also wants to give lot owners time to work with the ACC to correct the issues before resorting to fines.