

July 2021 ACC Newsletter

We hope everyone is surviving the hot weather and enjoyed the 4th of July holiday.

The ACC has been approving new builds in the community and working with CC&Rs violations. There are 9 violations associated with a lack of maintenance or lack of landscaping and/or walls and gates. There are 2 associated with storing vehicles and other equipment on empty lots. There is one with a person that has poultry. Other issues are walls/gates made of materials such as plywood. Out of 1390 lots, there are only 22 lots in the violation process, with 5 of the 22 on hold because they are in progress.

The ACC works hard to solve CC&R violations without going into the fine process. Currently, the ACC is giving 5 residents (of the 22) the time they need to clear up their violations. The ACC is glad to provide people the time as long as they are making some forward progress. However, a number of these violations are on rental properties where it is sometimes very hard to get the owner to respond.

The ACC is very, very far from over-reaching. We are only three people and focus on very bad landscaping issues, and responding to complaints.

There continues to be a group trying to eliminate the ACC and the CC&Rs entirely by trying get signatures on amendment 5 to the CC&Rs. The ACC agrees that there a few areas of the CC&Rs that could use improvement, but we do not agree that the CC&Rs should be eliminated entirely. The amendment eliminates the CC&Rs completely. We have been told what has been said to residents in order to get them to sign the amendment petition, and most of what they have been told is not true and woefully incomplete. The ACC thinks that the residents deserve to be completely informed before making such a significant decision and removing all of the CC&Rs.

One area of the CC&Rs that is problematic is that the walls cannot be higher than 6 feet from the low side. This could leave the lot on the high side with a very short wall. The ACC solved that issue with a resolution. You can see the entire resolution here:

<http://www.dixiespringsacc.org/docs/Policies/DixieSpringsACCWallHeightResolution.pdf>

The resolution basically states that the ACC will allow walls to be 6 feet high from the high side of the wall. This corrected the issue without having to modify the CC&Rs.

The people trying to get you to sign the petition state the CC&Rs do not allow fire pits. That is not true. The CC&Rs state:

“There shall be no exterior fires on the Lots whatsoever, except barbecue fires contained within receptacles designed for such purpose.”

Fire pits are receptacles designed for that purpose, so they are allowed.

This group has also claimed the ACC has entered backyards, but this is not true. The ACC will never enter any backyard unless we have the consent of the owner.

The petition for amendment 5 eliminates the ACC immediately and the CC&Rs in 10 years.

Be aware that if the ACC is eliminated immediately, and the CC&Rs eliminated in 10 years in accordance with the current petition to change the CC&Rs, the City of Hurricane will not enforce the Dixie Springs CC&Rs. The City of Hurricane will not and cannot legally enforce any CC&Rs on any community in Hurricane. The City of Hurricane does not even enforce their own ordinances consistently. The residents of Dixie Springs will only be able to enforce the CC&Rs through a very expensive and time consuming lawsuit against a

neighbor. The advantage of having the ACC enforce the CC&Rs is they have the ability to assess fines. Also, most residents do not want to have to sue their neighbors and would rather have the ACC handle the issue.

Eliminating the CC&Rs also stops any review of homes to the CC&Rs. For example, a builder could build a 900 ft² house. The City of Hurricane would allow it. A lawsuit from a community member to a builder would be required, and by the time that was resolved, the house would long be built, and the only remedy would be to tear it down.

The elimination of the CC&Rs allows anyone to paint colored stripes on their homes, or park anything they want on empty lots, put metal railroad boxcar storage containers on their lots, or have poultry in their backyards. The Dixie Springs CC&Rs are not overly restrictive and strive to keep the community looking nice.

By eliminating the ACC, you are essentially getting rid of the CC&Rs because they are practically unenforceable without the ACC. It is highly unlikely that someone will spend the time and money to sue a neighbor over CC&R violations. Therefore, signing the petition to change the CC&Rs makes the CC&Rs ineffective.

There is much more mis-information so please do not believe everything you are told or read. Do the research yourself. A good place to start is reading the newsletters and other information on the ACC website:

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

If you have any questions, please contact us directly and we will provide you any information that you need. We are here for the entire community.

Please communicate this information to your neighbors so they can also do the research themselves.

We hope that this information helps.

Dixie Springs ACC