

DAMMERON VALLEY LANDOWNERS ASSOCIATION, INC.

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Minutes of the DVLA Board Meeting

September 27, 2016

ACTION ITEMS

President, Brian Taylor called the meeting to order at 7:00 PM. Also present were: Don Wallace, AB Johnson, Joyce Gaufin and Lou Echols.

Brian asked if there were any additions or corrections to the agenda before it is approved. There being none, AB Johnson ***made a motion*** to approve the agenda for this meeting and the minutes from the prior month. The motion was ***seconded*** by Lou Echols and unanimously ***passed***.

REPORTS

Financial Report - Joyce Gaufin/Lynda Charlton

Joyce gave a list of expenses totaling \$17,440.23 which included the \$15000 donated to the SSD. She then gave a report on the balances of all bank accounts. Joyce then ***made a motion*** to approve the month's expenses which was ***seconded*** by AB Johnson and was unanimously ***passed***.

Architectural Report – AB Johnson

AB reported that he had 6 new projects that were reviewed and approved, including 2 fence projects, a 10x15 greenhouse, a repaint of a home and front door and a 12x12 awning on an existing barn. There is also a pending plan for a barn and storage building.

Government Liaison/Facilities Report – Lou Echols

Lou asked folks to report any vandalism they see noting that someone had removed a horse and rider sign from the highway. He also reminded everyone that the highway would be closed until 1PM on Saturday, October 1 due to the running of the annual marathon.

Lou pointed out and gave a little history on the art work he had framed and hung in the community center.

Lou stated that he had heard that the easement along the 17 acre property was not going to be granted by the new owner. He also stated that the sewer project in Pinion Hills was near completion. The tank sits about 12-18 inches off the ground so as not to be too obstructive and should take care of the odor in the area when put into service.

OLD BUSINESS

Brian Taylor stated that the Board has been working on CC&R's for each subdivision. He noted that as each subdivision came in at different times the CC&R's were all different and we would like to see standardized language for all subdivisions (except Pinion Hills, which are more restricted and specific.)

Brian commented that there is talk in the valley that the board is trying to "unify" CC&R's, which is NOT correct. We want to make them clearer. We are just reviewing at this time but we want input and ideas from folks from each active subdivision.

Lou Echols said that he had received a few phone calls from landowners telling him to keep his nose out of their business. He also said that he had spoken to a realtor who said that since the Ranches and Meadows withdrew from the DVLA and currently have no CC&R's the property value in the valley had gone down.

Mr. Rex Burton suggested that trying to "standardize" or change the CC&R's is offending people and suggests control.

Joyce Gaufin talked about past discussions on rewriting the CC&R's to bring them in line with current HOA laws. Many of the CC&R's are so old they are no longer correct and a standardized set of CC&R's with addendums pertinent to each subdivision would bring clarity and continuity. The Board has never said that it is going to rewrite your CC&R's come hell or high water. We are asking the community to get involved. This is just a first step in getting community feedback.

Craig Meyocks commented on Lou Echols report on the easement which according to the deal between the developer and SITLA required him to provide trail access to residents of the valley.

Rex Burton said he talked to Ryan Anderson about a measure that has been "snuck" by the County regarding owners of five acre properties being required to have the same animal restrictions as those who own one acre lots. He feels that the DVLA should be aware of this.

Craig Meyocks said that he is e-mailed every agenda for County meetings and has not heard a thing on that subject.

Carol Craig asks if nothing is done to change existing CC&R's does state law supersede them. And will there be attorney fees attached to revising CC&R's. Brian Taylor responded that the Board, with the help of the community, will do the bulk of the work but the final draft has to be reviewed by legal counsel to make sure they are legal.

Rex Burton said that if the State has to get involved it will be a mess. Brian said that the Homeowners Act does govern us as far as corporate by-laws but they do not enforce CC&R's.

NEW BUSINESS

- 1. OPEN HOUSE:** Brian Taylor stated that the open house is to receive feedback from the residents in the DVLA. Joyce said that this would be "open space technology." She stated that the DVLA has several documents that govern the valley such as By-Laws, Architectural Guidelines and CC&R's. But none of these documents cover the process for incoming or

outgoing subdivisions. They are very vague on how we are to enforce violations. We will have these documents at separate tables and ask that those attending move around and get information on each document, what they encompass and where they fall short. Then we want you to tell us what you want and what you need as landowners in this valley. The Board cannot change anything without the majority of members voting for any changes. We have talked about leaving Pinion Hills out of this process because they already have very specific and restrictive CC&R's.

Rex Burton asked who started this idea and who the "we heard you" at the top of the flyer for the Open House refers to. Craig Meyocks asked for an example of something in our governing documents that is out of compliance. And that there has to be a majority vote to effect changes. Joyce replied that annexing new subdivisions is not even covered. There needs to be a process for that. Some CC&R's ask for 67% some for 51% another thing that could be standardized. CC&R's currently do not specify the allowance of sea containers but the architectural guidelines sort of do. Suzanne Taylor said they do not cover 4:00 AM noise by construction crews and cement mixers or trash or the length of time a home has to be completed. They are too vague. William Chapman said that he was the first one to put a sea container on his property not knowing that it was not allowed. But working with the Architectural Committee we figured out a way to put an acceptable façade. Brian Taylor said that enforcement of violations must be written into the CC&R's with a schedule of fines and procedures. Rex Burton said "you want to regulate us." Brian said that it was time to move on with the agenda but invited everyone to come to the Open House and give us your input.

2. **NEWSLETTER:** Brian Taylor said that the board felt it was time to resume mailing out a newsletter to all active landowners on a regular basis, probably quarterly to start. JR Edwards asked about a recent e-mail. Brian responded that no one would ever get information directly from the Board in that way. Official and factual information is posted on our website and will soon be delivered directly to your home.
3. **WASHINGTON COUNTY CODE:** Brian reported that as residents of Washington County we are subject to their code. Some of the things that code defines and covers are: weed abatement and junk, junk cars, noise and public nuisances etc. We each, as residents, have a right to complain and they have a process to resolve our complaints. In fact, they are obligated to resolve them. We will post this code on our website and we hope you will read it. Joyce Gaufin said that our CC&R's might be more restrictive than the County Code but we currently do not have a process in place to enforce violations. William Chapman asked what percentage of landowners are not in compliance. Brian sited quite a few. Drive around and have a look. Some folks are simply not aware they are in violation. Title Companies are responsible for getting CC&R's to buyers but sometimes do not. Once buyers are aware though they tend to comply on their own.

Rex Burton said that there would be unintended consequences by creating all this power for yourselves. Joyce Gaufin responded that she has lived in .the valley for 23 years and some boards did nothing to address violations and some were quite the opposite, acting like

regulators. Another reason we want to standardize the language and clarify the requirements and the intent is to help all future boards to be consistent in how they deal with violations.

Larry Carlon said that he sees a board that is trying to lay a foundation for changes and to unify this valley. Sue Hokana asked when the Ranches left the DVLA. She said they had just bought there and were unaware of what was happening and would not have bought had they known. She is afraid that they overpaid and that values in general have gone down now that there are no CC&R's in her subdivision. She asked if there was a way they could rejoin the DVLA. Joyce Gaufin said that yes, if the governing documents are written to allow for a new category of member. And this is another reason to review the documents and make provisions for those who want to be included.

Someone asked if that meant one blanket CC&R for all subdivisions. Brian Taylor answered that no, there would be common language at the beginning of the document but a specific set of CC&R's for each subdivision in accordance with their wants and needs.

Craig Meyocks said that regarding the e-mail that was sent out he had done some research on the power of the developer. Brian said again that this Board is NOT unifying CC&R's. Brooks Pace does not have final power over the DVLA nor does he want that. The vagueness of the various CC&R's invites various interpretations. This Board wants to clarify the language for consistency and to comply with current law and that is all we are trying to do. Craig Meyocks asked if the financials had been done as required. This years' financials are posted on the website with the Board Minutes and Agendas and have been there since May, prior to the annual meeting. Craig also asked if the reserve study had been done and yes it has been done for months and per his request we will also post it on the website. Craig said that there was something in the reserve study he would like to challenge by way of a Special Meeting and asked if 10% was the number of landowners who were required to petition for a Special Meeting. That is correct.

OPEN DISCUSSION

Gary Jensen notified the Board that there would be three openings on the SSD Board to fill for next year and how important it is to understand that volunteers make up both Boards and recognize all of their hard work.

Joyce Gaufin ***made a motion*** to adjourn the meeting which was ***seconded*** by Don Wallace and the motion ***passed*** unanimously and the meeting was adjourned.

Recorded By:

Lynda Charlton, Secretary

