



# STRAWBERRY POINTER

## CC&R Vote Complete!

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### Special points of interest:

- Original CC&Rs remain
- Zone Ordinance Change to be made
- Water Company's work to obtain viable water source
- POA offers REWARD



September 3, 2006 the 4 year quest to update the CC&Rs for Zion View Mountain Estates was put to rest.

Secret ballots were counted by seven volunteers. Each Zion View unit was counted separately with a summary of the vote outlined below.

The CC&R revision was defeated by non return of more than 51% of the ballots in each of the sections. Since each non returned ballot was counted as a no vote the CCR revision was defeated by those who did not return their ballots.

Voters in Units A, B, D and E voted in favor of the CCR revision.



### ORIGINAL CC&RS RETAINED BY NON VOTERS

#### Section A = Keep Original CCRs

Total lots in A = 249  
Total votes returned = 66  
Yes for revision = 34  
No for revision = 32  
Non returned votes = 183 which are to be counted as No votes

#### Section B = Keep Original CCRS

Total lots in B = 57  
Total votes returned = 22  
Yes for revision = 15  
No for revision = 7

Non returned votes = 35 which are to be counted as No votes

#### Section C = Keep Original CCRs

Total lots in C = 92  
Total votes returned = 27  
Yes for revision = 13  
No for revision = 14  
Non returned votes = 65 which are to be counted as No votes

#### Section D = Keep Original CCRs

Total lots in D = 155  
Total votes returned = 58  
Yes for revision = 37  
No for revision = 21  
Non returned votes = 97 which are to be counted as No votes

#### Section E = Keep Original CCRs

Total lots in E = 211  
Total votes returned = 58  
Yes for revision = 31  
No for revision = 27  
Non returned votes = 153 which are to be counted as No votes

## KANE COUNTY ZONE ORDINANCE CHANGE TO BE ENACTED

Zion View Property Owners' Association was well represented at the County Commission Meeting August 23, 2006. Five of our POA members attended this meeting in Kanab. Surprisingly they equaled about 1/4 of the those attending this meeting. Depending on who you talk to

these ordinances will have little impact or change to residents on Cedar Mountain. The ordinance change will mean a change for Zion View from "Forest Recreational" to "Residential Recreational". A copy of the proposed ordinance draft for "Residential Recreational" was obtained

by ZVPOA and a copy will be uploaded to the website. A copy of the ordinance for "Forest Recreational" will also be uploaded. The County Commissioners assured those who attended this meeting this ordinance change is meant to impact commercial operators.



# President's Message

Regretfully we have almost reached the end of the summer. I hope that everyone has enjoyed it on the Mountain. We certainly had enough rain to keep the forest reasonably green and improve on the previous year's draught conditions.

The "big" General Membership meeting of July 1 proceeded smoothly, without any disturbance and should be considered a success when compared to the previous years' meetings of controversial and raucous nature. Thankfully, the same can be said of the CC&R vote counting event of September 3, 2006 which took place at the Firehouse, after the general meeting of the Water Company.

Our Secretary/Treasurer's report includes the exact results of the vote count. For failure to receive a total 51 % of the votes in each unit the suggested

CC&Rs failed to *legally* pass in any unit of Zion View, even though, except for Unit C, the majority of those who voted approved the new CC&Rs.

As a result of this vote's outcome the

present Board does not contemplate to address the issue of CC&Rs in the foreseeable future. Instead, we intend to promote changes and improvements on the Mountain in more tangible manners.

For example, in view of the rash of burglaries and vandalism that occurred during this summer. We have made arrangements to place signs offering a reward in the Subdivision. We are also in the process of organizing Neighborhood Watch.

On August 23, I attended the meeting of the Kane County Planning Commission regarding change of zoning ordinance. Contrary to previous belief the change is not specifically directed to Zion View, nor to Cedar Mountain, but rather to the entire County. The meeting was not well attended by the "general public" of the County, but among the subdivisions of Cedar Mountain Zion View was certainly the best represented.

According to the proposed change in ordinance our future zoning designation will be recreational/residential. For us this represents only a relatively small

change, but it appears certain that the new ordinance will ban all commercial activity in Zion View. (It should be understood that county ordinances can be more restrictive than the CC&Rs). It also appears that Kane County is planning to hire a code enforcement officer, so that zoning violations, such as abandoned, dilapidated trailers may be penalized or removed in the future by the County.

On August 25 I attended a meeting of the Cedar Mountain Fire District for the purpose of negotiating a lease between our Association and the Fire District whereby the Fire District will continue to keep two fire trucks in our Firehouse and will also provide adequate heating to keep the trucks with water during the winter. It is hoped that this lease will be finalized and signed in the near future.

I wish everyone a wonderful Fall Season on the Mountain, when the view of the changing colors of aspens is the most spectacular.

*Gabor Szekeres*

## UPDATE ON ZVPOA MEMBERSHIP

*How many property owners currently belong to the Property Owners' Association?*



The POA rents the bays of the Fire Station to our Water Company & Cedar Mountain Fire Protection District.

Some may be so bold as to say that the Property Owner's Association membership is dwindling.

Others say that a few support many.

This years membership drive supports both statements.

Currently we are only 94 families strong.

Ninety-four of us are working together to coordinate information and efforts to

benefit all property owners in Zion View.

Now as our mountain is about to explode into the colors of Fall it is time to say thank you.

You noble ones know who you are and your efforts are to be recognized.

ZVMWC is considering recognizing those water share owners who are POA members through specials related to water delivery, stay tuned.

Unit A 17 property owners support 166 property owners (10%)

Unit B 10 property owners support 45 property owners (22%)

Unit C 19 property owners support 61 property owners (31%)

Unit D 23 property owners support 69 property owners (33%)

Unit E 25 property owners support 110 property owners (23%)

## POA Offers Reward

Several Property Owners have contacted us this summer with concerns about theft and vandalism occurring on their property or in their cabins this summer.

These thefts have resulted in serious property damage and or costs to our residents.

The POA has written a let-

ter to our sheriff asking to aggressively investigate these cases.

The POA is also offering a \$500 reward to anyone who may contribute information to the County Sheriff which leads to the arrest and conviction of these thieves.

The POA will also install

three signs this Fall throughout the division posting the reward.





## Annual Share Holders' Meeting Zion View Mutual Water Co.

It is unusual to see meetings attended by large numbers of Zion View residents. The exception to this would be in 2004 when a large number of people attended a meeting after the very first draft of the CCRs were mailed out, resulting in a very large number of residents upset about an issue. If large numbers of attendees is an indicator of dissatisfaction, then the low number of attendees at this year's meeting may be an indicator that Zion View residents have received excellent water delivery service this 2006 season.

Topics discussed at this year's water meeting included updates on Zion View's involvement with Kane County Water Conservancy, billing statements, deadline for late fees for water assessment and general questions from the membership.

Questions and Answers from this meeting:

- **Why don't we keep fuel on site?** EPA containment required – not cost affective.
- **What is contract labor listed in financial report ?** Part-time drivers.
- **What are the Capital improvement ?** Generator and 3 pumps.
- **Who makes the decisions on expenditure for capital improvements?** The Board
- **Should limitation of expenditure for capital improvement be in by-laws?** The current by-laws do place a limitation of \$10,000 indebtedness for capital improvements and the board can discuss amendment of this.
- **Which weekend is this meeting traditionally held?** Labor day and late fees are assessed prior to the annual meeting weekend. Possible change of annual meeting to Memorial Day weekend.
- **How can we address confusion with billing statements (the change)?** Operation period is May 15 to October 15, weather permitting, but financial year is January to December. Discussion will ensue during winter of 2006 by the board on administration of the billing. Possible change of late date for assessment to date after the POA meeting on 4<sup>th</sup> of July weekend, then those who attend the POA meeting could pay in person with late fee to be assessed after that date Bills be sent out earlier by mail— January 31.
- **Why is there a late fee of \$25 assessed?** To encourage people to pay their assessment on time and not have assessments in arrears extend for years. Assessments paid at the beginning of the summer fund the company so it can operation.
- **Has the water been tested for health safety, cleanliness?** Water manager is certified person in charge of water testing each year. Guidelines require that testing be done on timeline, last sample pulled Aug 28, the lab has 24 hours to notify the water company if the water is polluted. Procedures on testing must be followed if a report comes back of pollution and must be posted. Main water source at this time is the spring with testing for the past 20 years. The DEQ (state) will never allow spring water to be an approved source for water. Water company needs to alter water source with surrender of the spring back to developer.
- **Can the water company in future newsletter develop a list of pro and cons of receiving our water from the water conservancy?** Yes
- **Is it the water company's intention to continue to pull water from the springs?** No
- **When the original developer dies will we lose the water rights?** No, ZVMWC continues the process to obtain a viable source to prove up on the remaining 1/3 of our water rights. The water board is investigating the feasibility of obtaining a deep water well which would meet requirements for viable source for all three of our water rights.
- **What are the other issues related to water?** Fire Protection Insurance ratings and dry lots.
- **Did Duck Creek come to Zion View to get water from us 4 years ago?** Unknown, possibly.
- **What is the motivation of the Water Conservancy to take our water rights so they can be the providers of our water after connection fees are paid by lot owners?** Board members can only guess, however the value of water right is anywhere from \$5,000 to \$30,000 per 1/4 acre foot.
- **Have the property owners been officially polled for their desire for Kane County Water Conservancy to provide us water instead of Zion View Mutual Water Company?** No, however unofficial polls have been conducted by the water board..
- **Should Zion View desire Kane County Conservancy bring water out to our development, how long would it take?** It could take 4-5 years, in the meantime the water board is developing a plan to provide a viable water source for continued water deliver for all shareholders.
- **Do we know by engineering study if 750 cabins were in Zion View what the peak production of water deliver would be, including the 25% reserve?** No, no such study has been conducted, but ZVMWC is metering water.
- **How do you transfer water shares?** Call the secretary/office and pay the \$35/transfer fee
- **What is the new building being built?** Storage shed for water company and POA.
- **If the Water Conservancy comes to Zion View what will it cost those of us who have water shares and what will it cost those who do not have water shares?** Unknown, stay tuned.



ZION VIEW  
PROPERTY OWNERS'  
ASSOCIATION

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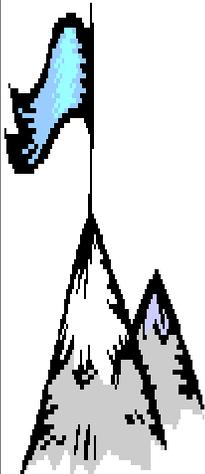
*On the web*  
*www.zionview*  
*.com*



Community Action Through  
Public Awareness

Please abide by all posted speed limits both  
in Zion View and Strawberry Valley.

## It's not too late, support your neighborhood!



NAME: \_\_\_\_\_ SECTION / LOT #

MAILING ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_

PHONE # (\_\_\_\_) \_\_\_\_\_ FAX# (\_\_\_\_) \_\_\_\_\_

EMAIL: \_\_\_\_\_ CHECK AMT: \_\_\_\_\_

Dues have not changed, the amount is still \$35.00 per year.  
Please detach and mail in this sheet with your check.  
Please write your lot section and # on your check.  
Receipts for dues are available upon request.

**SEND IN MEMBERSHIP  
DUES**

