



The Polaris Beacon



Star Valley Estates Newsletter
January 2012

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Happy New Year
2012

A publication of the Star Valley Estates Home Owners Association Webpage: www.starvalleyestates.org
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Next Regular Board Meeting

Thursday, Jan. 12, 2012

6:30 pm

Ryan Airfield Conf. Room

Meeting Schedule Set for Entire 2012

Please Mark your Calendar

Normal starting time of 6:30 pm may vary and will be announced prior to each meeting:

| | |
|----------------------------|---------------|
| Regular Board meeting | Jan 12 |
| Annual Meeting..... | Mar 08 |
| Regular Board meeting | May 10 |
| Regular Board meeting | July 12 |
| Regular Board meeting | Sept 13 |
| Regular Board meeting | Nov 08 |

Mystery Basin #2 – Situation Resolved

Detention Basin #2 was discussed in the November issue of the Polaris Beacon. Detention Basin #2 is shown on the Star Valley Village Plat and is cited in the HOA CC&Rs as one of our HOA “Common Areas”. This basin is recorded only as an easement right for the purpose of HOA maintenance and exists as a 50 foot easement at the rear of lots 77, 78, and 79. The question was, “can this basin easement be removed as a common area.

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After the article was published, one of the lot owners affected by the easement (a request to remain anonymous is being honored) pointed out that the basin was filled in by Pima County in 2002 under the order of Suzanne Shields of the Regional Flood Control District, who is now Director of the District. In conversations with Bill Zimmerman, deputy director of the district, Dr. Borom was told that the District could do nothing to remove the easement and that the HOA would have to conduct another hydrological survey to show that Detention Basin #2 was no longer needed.

When confronted with the information that the District itself was responsible for filling in the basin, the District admitted that the basin was no longer needed but that the HOA would have to hire an engineer to have the easement removed from the plat. At this point, Dr. Borom quoted the note from the plat, which states:
Note 18 – Private (temporary) detention basin easement – to be granted by this Plat, which easement may be removed upon written

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approval of the PCFCD.

As a result, PCFCD is preparing a letter stating:”The District agrees that basin #2 is no longer needed for detention purposes due to improvements upstream in Star Valley Village. **As a result of this decision by the District, the District approves the removal of the easement on private (temporary) Detention Basin #2.**”

The letter from PCFCD will put an end to any further question regarding the existence of Detention Basin #2. With this letter the function of Detention Basin #2 as one of our “Common Areas” is eliminated permanently. That leaves Lot 151 in Detention Basin #1 as our only “Common Area”. More on that under the discussion of the Survey regarding transfer of lot 151 to a third party.

Lot Transfer Survey – Results

In November/December homeowners were given an opportunity to approve or reject a proposal to transfer the deed of Lot 151 and the easement for Detention Basin #2 to another party – such as SVA Corp. or Pima County. The transfer of Detention Basin #2 is now a moot point since it will be removed by a letter of approval from PCFCD. As President Blankenbaker indicated, “transferring these ownerships could be a win-win situation. You get to keep floodwater protection without having to pay for the upkeep of [either] basin, and your association fees can be reduced.” The process was made as simple as possible. Each homeowner received a return-postage-paid card with two questions requiring one check mark each. The survey also came with the legal requirement that the homeowner identify him/herself by name, signature and lot number.

In order for the board to move forward with further negotiations regarding eliminating lot 151 as our responsibility and financial burden, a 2/3 rds vote of the community (100 members) was required.

Homeowners, you have made the job of the Board easier. Here are the results of the survey, which was answered by 51 residents – a bit shy of the necessary 100, but typical of the general interest shown by the membership.

Results of vote to transfer basin lots

| <u>Basin # 1</u> | | <u>Basin # 2</u> | |
|------------------|----|------------------|----|
| YES | NO | YES | NO |
| 49 | 2 | 48 | 2 |

Without the required support of the community the Board cannot proceed further with any attempts to transfer Lot 151 to a third party. The community will be eternally saddled with responsibility for maintaining a property we are holding for the SVA Corporation. The HOA is here to stay.

The Parable of the Drowned Man

There was a devout man whose house was in the path of an oncoming flood. He prayed to God for help. A member of the sheriff's department came and advised him to evacuate. He replied that God would take care of him.

The floodwaters entered his first floor and a rescue boat arrived. “No thanks. God will take care of me.”

The floodwaters rose farther and he had to evacuate to the roof still praying for salvation. A rescue helicopter arrived and he declined since God was going to take care of him. The floodwaters rose farther and the man was washed away and drowned.

When he met God, he asked why God had not saved him. God replied that he had sent a patrolman, a rescue boat and a helicopter.

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The moral is that one must take advantage of opportunities when they are offered. This board has provided opportunities to solidify the neighborhood by promoting the establishment of a Neighborhood Watch for each block, by offering to fund Get-To-Know-Your-Neighbor block parties, and by offering an opportunity to permanently lower HOA assessments by seeking approval of the homeowners to transfer our basin lots to a third party.

The community, through non-response, has rejected each of these proposals. Now don't ask why the board has not saved you.

### **Obligation to Submit an Architectural Request Form (ARF)**

The CC&Rs stress that each homeowner is obligated to submit an ARF for any change in architectural characteristics – e.g. construction of a wall, installation of a shed, etc. The Architectural Review Committee (ARC) will then evaluate each request in the light of constraints imposed by the governing documents and either accept or deny the request. If the request is denied, the homeowner may modify the design to be in compliance and resubmit the request. After approval, the ARC is obligated to assure that the construction is in compliance with the approved design. The latter has not always happened.

Some homeowners may feel that simply because some construction –walls or otherwise – appears not to be in compliance with the rules that they may also build without following the regulations. That is not the case. An existing variation – for whatever reason, e.g. failure to apply for permission, a failure on the part of the ARC, etc – is not a justification for granting a continuation of a procedural error.

With the advent of the Pima County Flood Control digital map, compliance can now be measured using web-based satellite images containing an overlay of lot lines. cursory inspection of the images is rather disturbing. Out of around 112 lots in Star Valley Estates with wall constructions, 24 lots were found to be in violation of the 15-foot setback requirement. Eight lots could be removed from this list due to the fact that builder variances are in place because the house is offset to accommodate a floodwater wash. The remaining 16 lots have to be checked against ARC records for approvals.

The walls of two of the lots were found to be seriously encroaching on their neighbor's property. Even though the homeowners had obtained approval for the construction with appropriate setbacks, they failed to comply with the approved design, and the ARC failed to follow through with inspection of the project. The encroachments are within the AZ, 10-year, statute

of limitation on unintended encroachment, and these homeowners will be required to correct their errors at their expense. During the building process, homeowners are encouraged to inspect the walls of their neighboring properties to assess compliance and to determine if any property encroachment is occurring.

Other walls are found not to have been constructed parallel to the lot lines and, consequently, violate the 15 foot setback requirement. All lots with walls and other construction projects can be cross-referenced with the current ARF database, which is being constantly updated, to see if corresponding approvals have been granted.

Lots with unapproved construction will receive an entry in their file to that effect. Such an entry will impact or possibly even stop future sale of the house.

Homeowners are asked to review their records and submit an ARF for any and all construction that has been performed without approval of the ARC. Acquiring approval – even retroactively – will avoid problems with future sales.

### **Agenda Items for the January Board Meeting That will Affect your Finances**

Homeowners seem to have little or no interest in attending the Board Meetings. That is actually understandable since much of the business is just procedural. This January, however, the Board will be considering several agenda items of personal interest to homeowners. Come, listen and provide your input.

#### **Items of particular interest are:**

- 1) Distribution of the ~\$25,000 sitting in the reserve fund. The discussion will center around whether this money should be withdrawn and distributed, and, if so, how should it be allocated to the individual homeowners.

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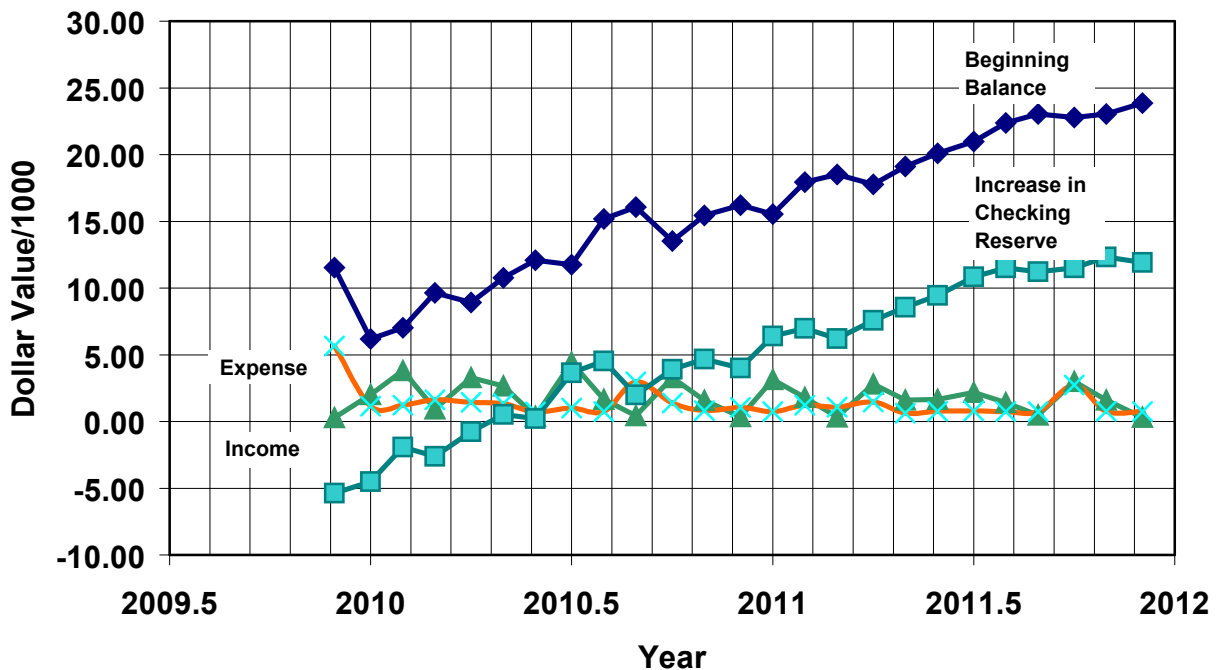
- 2) Reduction in the HOA assessment. This is in sharp contrast to the request for a 6% increase in the fees as proposed by the 2009 Board. The **graph below**, shows an increase of nearly \$15,000 in the Operating Balance through reduction in expenses over the last two years, and careful budgeting. The excess in the Operating Balance will be transferred to the Reserve Fund.
- 3) Definition of the process for electing Directors to correspond to the requirement in the CC&Rs for election by majority vote.

## Annual Meeting in March

At the Annual Meeting two Directors will be elected. The following discussion assumes that the change in the Rules and Regulations requiring a majority vote of the established quorum for election is implemented. The quorum will be established by the total number of votes cast, which must equal or exceed the minimum of 10% of the members called for by the governing documents.

If either a tied vote or an insufficient number of votes for election occurs, a run-off vote will be called for at the meeting, which will still require a majority vote for election. There must be, at a minimum, 51% of the quorum **physically present**

### HOA Operating Balance



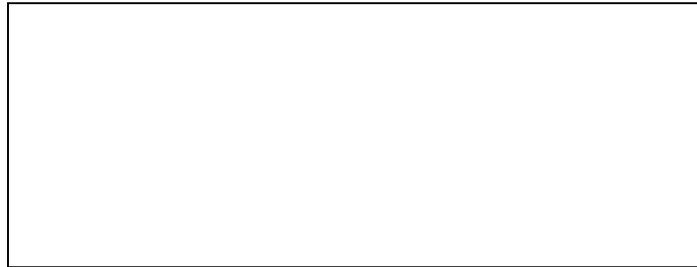
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at the meeting to continue. With only 51% of the quorum present, any successful vote would have to be unanimous. In reality, there needs to be much more than 51% of the quorum present to resolve either a tie or an undervote

With the requirement of a majority vote the importance of **your attendance at the meeting** increases. To make sure your vote counts, please plan on attending the meeting, even if you choose to vote by mail.

**Space Below for Paid Advertisements by Local Vendors**

**Star Valley Estates  
1870 W. Prince Road, Suite 47  
Tucson, AZ 85705**



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**Notice:Next Board Meeting**

Thursday, January 12, 2012; 6:30 PM

Conference Room  
Tucson Airport Authority Building  
Ryan Field  
Near intersection of Valencia and Ajo

**Input from Homeowners is requested.**

Homeowners –This is YOUR NEWSLETTER

Your input is requested. If you have an item of interest to the community, please send it to the editor either in WORD format, or just as email text to the email address shown in the title header. Let your feelings and input be heard.

**Please report any evidence of criminal activity to the Polaris Beacon. Homeowner details will be kept confidential.**

Looking forward to hearing from each of you.  
The Editor