

Ranch Place Homeowners Association
1001 Cutter Lane, Park City, UT 84098
ranchplacehoapc@gmail.com
435-640-1150

August 30, 2021

Please Note: An online survey was sent by email to almost all Ranch Place residents. You are receiving this document in the mail because you have indicated that you do not want emails from the HOA or have not provided an email address to the Association. Photos included in the email are also attached. Please vote by mailing in the last page of this document or emailing your survey response to the two questions to ranchplacehoapc@gmail.com.

Dear Ranch Place Homeowner:

After several years of discussions and membership endorsement, we finally have approval from Summit County for our first improvement project on the large open space area south of Cutter Lane!

Starting next week, our contractor will construct a trail connecting the sidewalk on Ranch Place Road with the 224 Connector Trail to the east. The cost of this project (shown as Cutter Lane Trail on map below) is \$15,350.

Summit County has also approved construction of an additional trail connecting the sidewalk on Cutter Lane with the 224 Connector. This is shown as the North Connector Trail on the map below. The North Connector Trail could be built concurrently with the Cutter Lane Trail at a cost of \$5,200. The North Connector Trail follows a platted easement within a 47' wide HOA Common Area parcel.

Background on the North Connector Trail

- The original County approvals for Ranch Place required construction of the extensive trail system we all regularly enjoy. This trail system included a trail between Lot 53 & 54.
- The Ranch Place Plat Map approved by the county in 1993 shows a trail easement in the HOA Common Area between Lots 53 and 54, the alignment of the North Connector Trail.
- The North Connector Trail was constructed by the Ranch Place developer as part of Ranch Place Phase I.
- This trail provided a clean direct connection to the sidewalk on Ranch Place Road and Cutter Lane shown on the map.
- The trail was subsequently abandoned because it veered onto one of the adjacent properties.

- Summit County has reviewed and approved construction of the North Connector Trail.

The RPHOA Board is surveying support for re-establishment of the North Connector Trail.

Attached are arguments for and against construction of the North Connector Trail and a questionnaire to give the Board guidance on neighborhood opinion on this project.

Survey Questions: See survey questions on separate sheet for your use in voting (return to HOA mailing address above) or if you prefer, please send an email to the HOA at ranchplacehoapc@gmail.com.

1. *Do you support construction of the proposed North Connector Trail as shown on the above map at a cost of \$5,200?*
2. *If the North Connector Trail is constructed, do you support spending an additional \$5,000 for tree planting to improve privacy for the adjacent property owners?*

Reasons for Constructing North Connector Trail

Park City is a community focused on outdoor recreation with hundreds of miles of trails connecting neighborhoods and crisscrossing the mountains and meadows that surround us. The extensive trail network running throughout Ranch Place is one of the defining features of our neighborhood and a big attraction for our residents. The trail network backs onto ~90% of the homes in Ranch Place with several connection points to adjacent neighborhoods. ***We have the opportunity to re-establish an important trail connection that was lost due to poor execution by the developer of Ranch Place.***

The North Connector Trail (shown below) was always envisioned as part of the trail network. The only sidewalks in Ranch Place lead directly to the start of the North Connector Trail. ***Ranch Place lost the North Connector Trail a number of years ago because the original developer built a portion of the trail on one of the adjacent lots.*** Rather than rebuilding the trail within the 47' wide HOA Common Area where it was intended and shown on the Ranch Place plat, the trail was simply abandoned.

Today, most trail users in this area take the direct route walking west along Cutter Lane to rejoin the trail network at Browning Court Park. As we well know, Cutter Lane has become a busy street, and it is not the best place for pedestrians and cyclists heading to Kimball Junction. ***Re-establishing the North Connector Trail will provide a safe route for pedestrians heading west from Ranch Place Road, as was always intended.*** The map above shows in green the North Connector Trail as a preferable alternate to the current pedestrian route up Cutter Lane shown in red.

For many years pedestrian safety has been a top concern of residents. To improve pedestrian safety RPHOA has painted crosswalks at the many trail crossings on Cutter Lane and is

commencing construction of the trail along the south side of Cutter Lane. ***By constructing a 4' wide gravel trail through the 47' wide HOA Common Area we can improve pedestrian safety on one of the busiest stretches of Cutter Lane.***

The North Connector Trail has been reviewed extensively. The HOA Common Area is subject to a conservation easement in favor of Utah Open Lands. ***Utah Open Lands has confirmed that RPHOA is permitted to construct this trail and the alignment has been fine-tuned with their input.*** A wetland consultant has studied the drainage through the Common Area and confirmed that there are no wetlands present. The two bridges will clear span the drainage. Summit County has reviewed and approved the proposed trail.

The North Connector Trail is not expensive. ***Using existing Ranch Place funds, at the cost of \$23/lot we can re-establish an important trail connection and improve pedestrian safety.*** (This project was previously budgeted for construction in 2019, resulting in a budget surplus that year when project was postponed.) We can also plant trees next to the trail to mitigate privacy impacts on the adjacent neighbors at an additional cost of \$22/lot. RPHOA has more than sufficient funds to complete this trail and remain in a strong financial position for other ongoing neighborhood improvements.

While the adjacent neighbors canvassed the neighborhood last year with a door-to-door petition against this trail, numerous property owners have stated concerns with the information presented and method of survey. As promised at last year's annual meeting the Board is circulating this survey to present both the reasons for constructing the proposed trail, along with the neighbors' arguments against the trail. We look forward to hearing your opinion.

If you believe in the importance of pedestrian trails in Ranch Place, please indicate your support for re-establishing the North Connector Trail by voting yes to survey question #1.

Thank you,

Ranch Place HOA Board

VOTE NO to the North Connector Trail!

Why? For the safety of our residents. Encouraging the use of a crosswalk that is on a blind spot in the road and encouraging bikers and pedestrians to cross back and forth over Cutter Lane is unsafe and unwise. Putting in speed bumps or more signs would be a much better and less costly means of further safeguarding residents if the HOA actually wants to improve safety.

Why? It is not needed. There are already two connector trails, one just 5 houses down from the proposed trail with an existing crosswalk not on a blind trail, the other at the end of Browning Court. Browning Court starts only 3 houses in the other direction. The proposed trail is completely redundant.

Why? Installing the trail is a waste of HOA money. Dues have already gone from \$250 to \$385 in the last 5 years. Unnecessary projects like these are what cause our dues to continue to creep higher.

Why? The trail will have a negative impact on the habitat. Putting in a trail and two bridges where ducks and other birds and wildlife currently reside or use as a corridor will be totally disrupted. Flora will be destroyed. There is also the potential for intrusion of noxious weeds that a project like this promotes.

The North Connector Trail should not be part of the Main Trail project.

Vote “NO” and “NO” on the North Connector Trail.

Thank you.

A more in-depth explanation follows:

Reasons Against North Connector Trail

The minimal benefits from the building and maintenance of the **North Connector trail between lots 53 and 54 do not justify the expense in terms of homeowners' funds nor the impact on the riparian environment.** There is no legal requirement to build the trail; there is only an easement on the plat that allows for the trail. In fact, a trail was removed by the HOA circa 1996 with the approval of Summit County; they agreed not to put the trail back in - per the Board President at the time and the previous homeowner of lot 54. Then, from 1996 to 1999 the Corps of Engineers worked with the Boy Scouts to plant the trees and foliage along the stream between lots 53 and 54.

We believe a North Connector Trail would **negatively affect safety** by adding crossing points on Cutter Lane. All but two houses have access to the 224 Connector trail (Main Trail) closer than the North Connector, making it redundant. There is already a connector trail at the end of Browning Court, only seven houses down Cutter Lane, leading to the small park and the mail trail, as well as the Main Trail crossing east on Cutter Lane just a half dozen houses the other way. The HOA already approved the Cutter Lane Trail that parallels Cutter Lane from Ranch Place to the Main Trail as an additional access. There are at least two other trail easements on the plat that have not been built that would actually serve many more people: through the open area at the entrance to Ranch Place that would replace the trail removed by the HOA Board that connects North Shore as well as Cutter Lane to the Main Trail at the boardwalk.

The North Connector trail and bridges will have a **negative impact on wildlife.** The willows and other flora that will be removed are a habitat for birds and larger animals. There are also noxious weeds that will be harder to control with a trail and two bridges put in.

Since 2016, our **dues have increased** from \$250/year to **\$385/year** and according to the latest minutes we are running a deficit before construction of this trail.

A petition signed in 2020 by over 50% of homeowners resulted in overwhelming support for not building the North Connector.

We urge you to **vote against** (“no”, “no”) the North Connector trail entirely but if you do believe that the benefits justify the expense that you hold the board to their written and verbal commitments to also pay for the screening trees (“yes”, “yes”).

What follows is more detailed information and closely mirrors the information provided to homeowners when we visited in the summer of 2020 and requested signatures on a petition to stop the building of the North Connector Trail.

1. The board asserts that the connector is needed and “can improve pedestrian safety on one of the busiest stretches of Cutter Lane” and “pedestrians heading west from Ranch Place Road”.
 - a. Bikers/walkers from the east would enter the trail from the existing access point on Cutter Lane east of Ranch Place Road.
 - b. Bikes/walkers from the west, with the exception of two homes on the north side of Cutter Lane are closer to Browning Court than to the North Connector. These homeowners voted no to building the North Connector trail on the petition.
 - c. There is only one Ranch Place home on Ranch Place Road that would also be closer to the North Connector than to Browning Court. However, it is directly across the street from the Cutter Lane Trail already approved by the HOA. This is also the case for bikers and pedestrians from other neighborhoods north of Ranch Place.
 - d. To increase safety for the vast majority, it would actually be more prudent putting in sidewalks all the way down Cutter, which is also authorized. The easement for our roads is 60-feet wide (30-feet from the centerline of the roads). This means that roughly the first 15-feet of everyone’s property could be used for walking paths. This is by no means a proposal to put in sidewalks, only to point out that if safety is an issue, this would actually be a way to truly improve safety.
2. The Board asserts that building the proposed connector “by constructing a 4’ wide gravel trail through 47’ wide HOA Common Area...”, which would require cutting down willows and other flora and building two bridges over the stream, will have no impact on the riparian environment.
 - a. The 47’ Common Area has a stream and lush riparian environment within it. It is not a wide open 47’ area of grass, which makes the usable area for the trail much smaller and more of an environmental impact.
 - b. The families of ducks, other types of birds and other wildlife in the undisturbed stream will be negatively impacted by removing the Willows and other plants and constructing a trail and two bridges.

- c. There will be increased negative impact to the control of noxious weeds in the riparian areas adjacent to the trail and under/around the bridges.
 - d. Utah Open Lands has confirmed, in their letter to the board on May 7th, 2020, that the Association has the right to build the trail through the conservation easement. However, they make it clear they do have concerns. In that same letter Utah Open Lands writes “...we wanted to draw your attention to a concern that we feel is prudent to address as trail construction moves forward.” They talk of their concerns with noxious weeds and the impact that will be created by building the trail and bridges. They further state that their concerns could be mitigated with work, but it is still a problem. Furthermore, direct discussions with Seychelle at Utah Open Lands made it clear that they cannot object legally but their preference would be not to construct the trail and bridges.
 - e. The environmental consultant did state that no wetlands impede the trail construction as the two bridges will clear span the stream without touching the banks.
 - f. Neither 2d nor 2e means there will be no negative impact, just that there is no legal reason preventing the construction as far as Utah Open Lands and the environmental consultant (paid for by the HOA board).
3. During the August 20, 2020, Board meeting and then later in discussions with the homeowners of lot 53 and 54 adjacent to the trail, the Board said that if built, they would include funding to put in trees or other natural barriers for sight protection. The Board meeting notes specifically said evergreen trees. In addition, they sent us a letter on September 6, 2020, specifically stating that “The trail design has been amended to include three conifers on each side of the trail as shown on the attached plan.” The board has now separated the expenses to make the project potentially less expensive.
 4. The Board indicated that they would use a poll of the homeowners to determine whether or not to build the trail between Lots 53 and 54. In addition, they made it clear that the CC&Rs have no provision for petitions signed by the homeowners.
 - a. The HOA president, in the meeting minutes, stated it would be a non-binding poll of the homeowners which suggests that the board intends to install the trail regardless of what the homeowners, whom they represent, want.
 - b. The board has already begun the process of building the trail as they have paid for surveyors to come out in the last week as can be seen by the survey stakes on both sides of the stream adjacent to lots 53 and 54. This is the second survey they have done and paid for. They also paid an environmental consultant.
 - c. It is correct that the CC&Rs do not have a provision for the type of petition we did. However, it also does not prevent door to door petitions by homeowners. Over 50% of homeowners signed the petition, with an overwhelmingly majority of over 95% of residents surveyed voting against construction of the North Connector trail.

- d. Since 2016, the HOA has never had close to the numbers in decision meetings that we got on the petition (116 homeowners). In order to have a quorum (make decisions/vote/etc.) at an annual meeting 115 homeowners must be represented. If they fail to meet that number, a continuation meeting is held with no required minimum number of people to declare a quorum. Since 2016, the highest turnout to an annual meeting is 52 (only a third of the requirement). All decisions have been postponed to continuation meetings. In 2019 and 2018, trail decisions were made with 6 and 11 homeowners present and 32 and 40 proxies, respectively.
5. The Board stated, in a letter dated September 6, 2020, that they had to put in this connector - that it was required, their justification being that the Section 2.2 of the Amended and Restated CC&Rs says the “Association shall also maintain the trails shown on the plat”
 - a. If the board wants to maintain that the intent of the CC&Rs is to obligate them to build all the trail on the plat, it begs the question, “Why this trail?” **There are at least two other trail easements on the plat that have not been built which would better serve many more people if the HOA really wants to build more trails. One of them is through the open area at the entrance to the Ranch Place that would replace the trail removed by the HOA Board that connects North Shore, and Cutter Lane to the Main Trail at the boardwalk.**
 - b. Since the HOA and the County agreed to remove the trail in 1996 instead of moving it, it appears this is not a legal requirement. The County did not approach the HOA to have the trail installed.
 - c. From a strictly legal standpoint, the word “shall” does not mean “must”, it means may or may not. For “shall” to mean “must” all provisions must be enforced. In 1995, the U.S. Supreme Court issued a decision in Gutierrez de Martinez v. Lamagno that the word “Shall” means may or may not; it provides no legal obligation. “Must” is the only word that imposes a legal obligation according to The Federal Register Document Drafting Handbook.

Summary:

The North Connector trail on Cutter Lane will not provide a significant increase in safety for walkers and bikers, and in fact may make it worse, nor will it positively impact large numbers of people. It will also be detrimental to the natural habitat. **Building and maintaining the trail is an unnecessary expense for the homeowners association given the limited benefits received. We urge you to vote against (“No, “No”) the North Connector trail.**

Thank you.

RANCH PLACE TRAIL SURVEY QUESTIONS
AUGUST 30, 2021
RANCHPLACEHOAPC@GMAIL.COM
435-640-1150

1. *Do you support construction of the proposed North Connector Trail as shown on the above map at a cost of \$5,200?*

_____ YES _____ NO

2. *If the North Connector Trail is constructed, do you support spending an additional \$5,000 for tree planting to improve privacy for the adjacent property owners?*

_____ YES _____ NO

RETURN TO HOA BY MAIL:

RANCH PLACE HOA
1001 CUTTER LANE
PARK CITY, UT 84098

RETURN BY EMAIL: RANCHPLACEHOAPC@GMAIL.COM