

Dear Residents,

It has come to my attention that a petition regarding the Fox Hollow Park (which is actually a Master Park that belongs to our community and not a subdivision) is being passed around to residents within our HOA asking for signatures to stop the HOA from installing improvements in the Master Park near Fox Hollow. I for one have no problem with petitions as they are a civil way of letting residents take action when they feel that there is an injustice. However, information contained within petitions are usually biased in their information and I feel it's important for all residents to have the facts concerning this issue. I ask you to please consider my responses before making any decisions. Below is the Letter of Petition that was sent out earlier, along with my responses in **RED**:

PETITION and COMPLAINT

REGARDING THE PARK IN FOX HOLLOW

The following lot owners hereby petition the Board of the Villages of Saratoga Springs Home Owners Association (the "Villages HOA Board") and the ARC to revoke recent landscape amendments to the Park at Fox Hollow, to provide notice of proposed changes to the Park and other common areas and to provide all lot owners an opportunity to discuss vote upon proposed changes to common areas before those changes are approved.

On June 13, 2012, the villages HOA Board approved a Master Plan for Fox Hollow Park, significantly impacting lot owners in the following ways.

An increase in improvement, landscaping and Park maintenance cost.

By installing these improvements to the Master Park near Fox Hollow, our HOA Fees will NOT be increased and maintenance costs (the expenses associated with maintaining the park) will NOT increase during phase 1 and will be balanced for the later phases with additional residents at that time, so this project will not raise our HOA monthly fees. The plans, which were included below, include all three phases of the project. Phase 1 includes fixing the grass, installing trees up by the playground, fixing the playground, and installing swing sets. This phase does not add additional maintenance costs since the lawn care will stay the same. Phase 2 will be the tennis courts (with no projected date at this time) and will be when more residents and HOA fees are collected to offset any costs for that phase. And Phase 3 is for the club house (which has no projected date at this time) which again, new residents' HOA fees will help offset costs associated with this. The reason all three phases were included in the design plan is to save money by having to hire the Design Architect only one time for the entire park design. One of our main goals is to do the best we can to keep the expenses low so that HOA fees are kept to a minimum. All the volunteers on the board are residents in this community as well and we don't want to pay higher fees either. An HOA management company can never assume the responsibility of a board; they can only take on numerous tasks assigned by the board, thus costing more in management fees if we don't continue to have volunteers on the board. I would hope that residents of our community will continue to serve as Board Members in order to prevent this from happening.

The Plan increases the size, number, type and density of trees in the Park, blocking views of Utah Lake and Timpanogos mountain range for lots along South Fox Pointe Drive, Fox Pointe Way and the West Fox Hollow Drive.

This is true that the current approved plan calls for more trees within this park as a result from residents' feedback requesting that our parks provide more shade next to the play areas. The original plan for the park called for trees starting at 50-60 feet tall on up to 90-120 feet tall near the playground. This was changed in the current approved plans to shorter trees (15-25 feet for areas around the playground) to

help maintain the view as much as possible for residents living on the westside of the park. The Design Architect is certified by the State of Utah. Here are the reasons for hiring a design architect from the state:

“A licensed landscape architect has been trained in the health, safety, and welfare of site design. If an unlicensed designer prepares plans for a park it is against the law and the park owner is liable for design flaws that result in injury or other issues that are design related.”

By following the designs from our landscape architect, we are not only protecting our HOA from possible liability lawsuits that would raise our HOA fees dramatically, but it will also be a well designed and visually appealing park. As Board members we are volunteers, not professionals, so we rely on the professionals we hire and that are also certified by the state.

The Plan Violates the HOA Design Guidelines which require “[t]o the greatest extent possible, subdivision design shall be such to take advantage of available views.”

The Plan violates a primary goal of the Design Guidelines as “respecting views and view corridors....”

These two quotes come from the same paragraph found on Page 11 of the Design Guidelines, which reads:

“A primary goal of these Design Principals is respecting views and view corridors both from The Villages and from surrounding properties into The Villages. Home sites, and the orientation of homes within each neighborhood, are encouraged to take advantage of the natural topography and view sheds.”

This section of the documentation is in reference to home/structural placement, HOWEVER this is still taken into consideration in all site planning, hence the shorter trees to be installed rather than going with the original 50-120 foot trees. We are balancing between the residents’ request for more trees and those that want to maintain their views.

The Plan significantly amends the Landscape Plan for Fox Hollow Park approved by the City of Saratoga Springs, revised April 2007.

The currently approved plan does have changes from the original because it no longer meets the needs of the residents and does not meet the requirements outlined in our HOA Design Guidelines:

“Developments with more than 100 units shall furnish picnic areas with tables and barbecue areas, a sport court of at least 500 sq. ft., three playgrounds complete with equipment, a **club house** used for gatherings of residents not less than 750 sq. ft. complete with restrooms, and either a **regulation size tennis court** or subsurface swimming pool not less than 800 sq. ft. in size” (page 15 of the Design Guidelines, emphasis added).

“Community Parks: Parks and open space features designed to help create a “park-like” atmosphere are a **critical element** in creating an attractive, functional community” (page 7 of the Design Guideline, emphasis added).

The city has stated that the park is not owned by the city and therefore does not approve the plans.

The increase of density, number and size of trees, and the placement of trees around the playground creates a risk of crime and harm to children in the playground.

We had recently contacted the Police Department again on this matter and their response was that trees do not play a factor for them in monitoring criminal activity. Due to the original layout of the Master Park near Fox Hollow, the police are unable to see the entire park from the road, and so they have stated that during patrols they would be getting out of their car anyways, regardless of how many trees. This also goes back to the certification of the Design Architect in that they have “been trained in the health, safety, and welfare of site design.”

The Plan removes the current soccer field used by the community, replacing it with dense trees, tennis courts, basketball courts and a clubhouse.

As shown in the first map (shown below), you'll notice that the soccer field has been moved to the retention basin of the park. In regards to the other additions, this comes from our HOA documents as stated above.

The Plan discriminates against lot owners who are not on the HOA Board by proposing to block or eliminate the view for lots along South Fox Pointe Drive.

The Board holds monthly public meetings for all residents to come voice their concerns or provide suggestions (we also have email addresses for additional opportunities). Email notifications are sent out monthly with the date and time of our Board meetings. There has been no discrimination between the board and other residents. Because some lots are currently not "buildable", some lot owners did not receive these emails or newsletters because they currently do not pay any HOA Fees (which does not list them on our HOA membership). The board takes in all the input from residents that choose to participate in the process as well as taking into account for those that choose not to participate (hence the board's decision for shorter trees near the western side of the park).

In a recent informal meeting with the Villages HOA Board, concerned owners were told they had no right to notice of changes to the Park, and that the Villages HOA Board could do whatever they like to the Park. This is an abuse of discretion, and cannot be tolerated. Owners rely on the plans on record at the time they purchase their lots and build houses to take advantage of the views afforded by those plans.

The Board did have a special meeting with a few of the residents that own lots on the western side of the park on September 26th and among many other items that were discussed, it was mentioned that no where in the HOA documentation does it "require" the board to notify residents, YET the board feels very STRONGLY that residents should be informed on what is taking place in our community. It is not only ethical to do so, but it is also the right thing to do in strengthening our community. The board had notified residents during the past 6 months that this project has been in the works. Recently, there was notification in the July 2012 Newsletter about these plans:

"Fox Hollow Park: The plans for the park have been finalized and are available to viewing by contacting Amanda."

And in the August Newsletter there is over ¾ of a page dedicated to the Fox Hollow Landscaping, wherein it also states:

"There will be **two Eagle Scout projects** happening on September 8th at the Fox Hollow Park to plant the new trees, and lay a small area of sod behind the swing set...."

This was also discussed during our August board meeting (which is open to the public), which would have given additional opportunities to participate in the process. The meeting minutes state the following:

"The Board members discussed the upcoming Eagle Scout Projects, including the specifics on the trees for the Fox Hollow Park...."

Most lot owners in the Villages at Saratoga Springs are adjacent to common area, so the actions of the Villages HOA Board suggest everyone is at risk of unilateral decisions that impair views, increase crime and dramatically increase association fees.

The HOA Fees are staying at \$32/mo with these park fixes and improvements. There has been no discussion within the board to raise HOA Fees to cover these costs.

The following lot owners formally PETITION the Villages HOA Board to take the following action:

1. Revoke approval of any amended Landscape Plan for the Fox Hollow Park that is inconsistent with the original Landscape Plan approved by the City of Saratoga Springs, as revised April 10, 2007.

There have been plenty of opportunities for residents to participate in the design process for this park. This project has been in the works for 6 months and we appreciate those that have taken the initiative to read their newsletters and emails, to come to the HOA Board meetings, and to volunteer their time and input. As a member on the board, I feel it is irresponsible to neglect all those residents who have stayed involved and provided input during the planning stages, and feel it unfair and unbalanced by then giving complete control over to a handful of residents who chose not to get involved until everything had been approved and the project had begun. Even so, I had agreed to a special meeting to hear their concerns on September 26th because we, as a board, do value everyone's input.

2. If the Villages HOA Board intends to propose increased development, landscaping, or increased maintenance costs for the Fox Hollow Park, or any other common area within the Villages of Saratoga Springs, that the Villages HOA Board provide the following to all lot owners within the Villages of Saratoga Springs Master Planned Community:

- a. Give lot owners written notice of the intended changes,

Information has been provided in newsletters, emails, and public board meetings. With the addition of our new HOA website (that will become available next week) there will be additional opportunities for notifications, but this was not available to the board during the time of this particular issue.

- b. Call a special meeting to discuss changes,

This is what the public monthly board meetings are for.

- c. Allow lot owners to vote upon proposed changes and
That proposed changes cannot be approved by the Board unless over 50% of those lot owners in attendance, or voting by proxy at a duly called meeting vote in favor of the proposed changes.

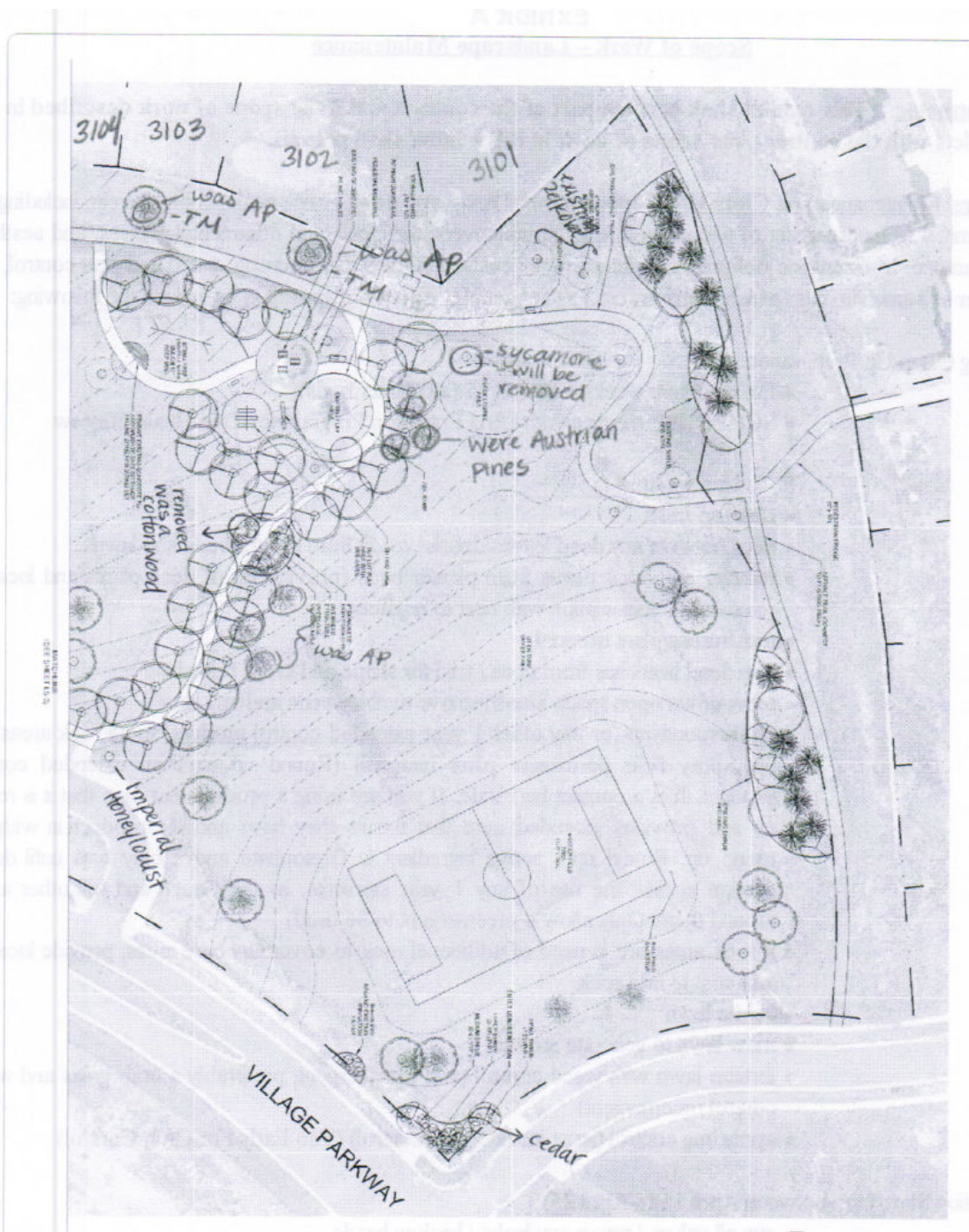
Just like in all forms of representative governments, we elect individuals that we feel will make the best choices for our community as a whole. The challenge that any representative has is balancing the needs of those they represent (the majority and minority). The board is simply working within their rights to make changes to the parks AFTER we have received public input on what YOU, the resident, would like to see in our community. In the HOA's Master Conditions, Covenants and Restrictions (CC&R) in section 3.1.5 (found on page 7) it states:

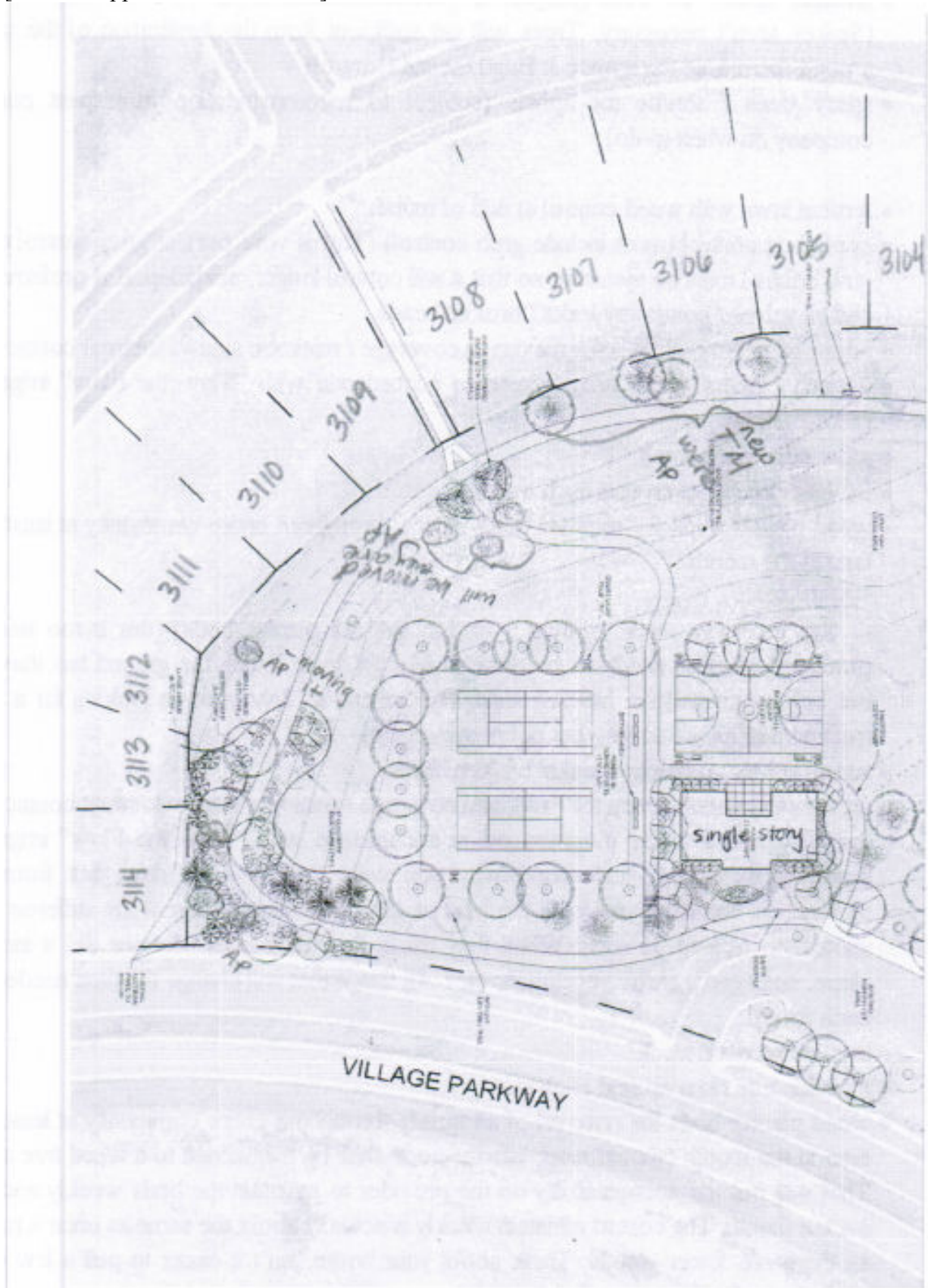
“The right of the Master Association to improve that master Association Property by constructing facilities and improvements by replacing, refurbishing, reconstructing or repairing any improvement, destroyed trees or other vegetation on Master Association Property and by planting trees, shrubs and ground cover thereon, and the right of the Master Association to close or limit the use of portions of the Master Association Property, while repairing and maintaining the same.”

Again I want to thank all of those that have taken the time to stay informed with the activities within our HOA. I encourage all to continue to do so. This will only result in creating an excellent community for all to enjoy. I am humbled and grateful to represent you as our HOA President and express gratitude to all those, especially the other board members, for their countless hours of volunteered service.

Sincerely,
Ryan Poduska
President – The Villages at Saratoga Springs HOA

[Current Approved Plan – 1 of 2]





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[Original Plan]

