

**SPECIAL CC&R IN-PERSON MEETING NOTES**  
**OCTOBER 10, 2022**  
**6:30 PM**

**COMMITTEE MEMBERS PRESENT:** Warren Clyde, Marian Burningham, Teri Newfang, Craig Whiting

**BOARD MEMBERS PRESENT:** Jon Celaya, Susan Morandy, Pat Dempsey, Brent Strong (late arrival)

**COMMUNITY MEMBERS PRESENT:** Bryan and Stacey Moss, Kent Price

The Chairperson called the meeting to order at 6:37 pm.

**Explaining Citations**

With consent from the Committee members, the first item we discussed was how we could provide more information and instructions for readers of the CC&Rs regarding using citations to laws and regulations placed as references within the proposed rewrite of the Declaration. We discussed various methods of achieving this, including adding footnotes, a bibliography, new definitions for each of the code sources, a glossary, or new language within the Declaration or Preamble

Craig Whiting motioned for the new language to be added to the Preamble, the motion was seconded by Teri Newfang and passed unanimously. The Chairperson will draft the new language and forward it to the Committee members before sending it to the Board for their approval. The Board will present the new language to the HOA members in a future Board meeting.

**Discussion Regarding Using E-Bikes on the Equestrian Trails**

The Chairperson explained this topic came up for discussion after Kent Price asked at the last Town Hall meeting if E-Bikes were allowed on the equestrian trails. The Board referred the question to the Committee to consider whether or not to amend the CC&Rs to contain specific language on the matter.

We briefly reviewed the state law regarding E-Bikes, which states that Class 1 and Class 2 E-Bikes are allowed wherever bicycles are allowed unless signs are posted which prohibit them. The current Declaration, Article V, Section 5.05, prohibits motorized vehicles and lists examples, all of which are propelled by internal combustion engines. The next sentence allows bicycles.

We reviewed the different Classes of E-Bikes, their top speeds, and their noise or lack thereof compared to standard bicycles. The Mosses, who are both horse owners and E-Bike owners, explained their use of both – sometimes riding near each other. We reviewed how frequently bicycles are currently seen on the trails. The Chairperson stated that the comments she had received from HOA members were all firmly against sharing the trails with bicycles and E-Bikes.

They expressed fears about potential harm arising from horses spooking due to the sudden appearance of E-Bikes on trails. These comments lead the Committee to further discussion about safety concerns and how to handle them.

We reviewed encroachments upon our trail system by the Jake the Snake bike trail and the proposed crossing on the west end of the Cedar Drive stub road between our private equestrian trail and a public pedestrian trail. All involved in the discussion agreed these issues would require appropriate signing.

We discussed enforcement of any prohibition and agreed that full-time enforcement would be impossible and response time to enforce any proposed prohibition would likely be impractical.

Brent Strong referred to the BLM's and Forest Service's rules for E-Bikes. By their rules, E-Bikes are governed by the same rules as automobiles and ATVs, prohibiting their use on trails. He acknowledged that these government entities would be required to conduct extensive environmental studies before E-Bikes could be allowed and that might be why their rules haven't changed to allow E-Bikes on single-track trails.

Ultimately, everyone seemed to agree that both technology and laws are rapidly evolving and are far from settled. What feels practical today could be impractical and outdated tomorrow. Taking this into consideration, the Chairperson stated her opinion that, unless the CC&Rs are changed, E-Bikes would be allowed on our equestrian trails. She suggested that rather than try to make a permanent change in the CC&Rs which would be time-consuming and costly to change each time technology or laws changed, the Board should promulgate and publish rules governing the use of E-Bikes on the trails, including safety rules or regulations on trail use and proper signages. Rules, including a prohibition, can be changed much easier than CC&Rs as technology, laws, and desires of the community change.

Rules can be determined by the Board and published to the HOA members. If fifty-one percent of the members don't object to the new rule within fifteen days, the rules stand. This is known as the rule of dissent. (See UCAA 57-8a-217.) If fifty-one percent of the members respond negatively within the mandated time period, the rules cannot be adopted or enforced. Furthermore, this gives more direct control over the matter to the HOA members with the added constraint that Board members are elected by the Community. There is no need to undergo the time-consuming and expensive undertaking of changing the CC&Rs.

After discussion, the Committee and Board members agreed to leave the CC&Rs unchanged and manage the issue of E-Bikes on the equestrian trails by publishing rules as allowed in the Utah Community Association Act cited above.

Thanking everyone for their participation, the Chairperson asked for a motion to adjourn. The motion was made by Warren, seconded by Craig, and passed unanimously.

The meeting adjourned at 7:37 pm.