

GREENSPACE/PARK VOTE F.A.Q.

Date Last Updated: 01/29/2024

1. What is the Greenspace/Park Vote about?

Ownership has indicated they will donate 0.75 acres to the HOA for greenspace/park (around the main mailbox cluster). In addition, ownership indicated they would sell an additional 0.75 acres adjoining the donated land for approximately \$15,500; thus, a total of 1.5 acres would be available for greenspace/park development. At the HOA Annual Meeting, the neighborhood HOA voted to approve a motion instructing the HOA Board to conduct a vote of all members of the HOA to affirm if the HOA should proceed with purchase agreement for the additional 0.75 acres.

2. Who gets to vote?

Every *member in good standing* (current with 2024 HOA dues paid) gets one vote per lot. As per the motion approved at the annual meeting, only “Nonprivileged HOA members” will vote. The Declarant, who represents development ownership, and who is a “Privileged Member” as per the Covenants, will not have a vote. There is one vote allowed per Lot.

3. How will I receive my ballot?

The ballot will be included with the annual HOA dues notice to be sent in January. If you do not receive your HOA Dues Notice by February 7, 2024, please notify the Board at hoaehr@gmail.com to make certain your mailing address is correct or if you are out of town. We will do what we can to get an official ballot to you.

4. When must my votes be cast?

Votes must be postmarked or dropped off by February 29, 2024, in order to count.

5. Who will count the vote?

The HOA Board will count the votes. All ballots will have the appropriate Lot number printed on the ballot for recording and verification purposes.

6. How many people must vote YES to proceed with the 0.75 acre purchase? 70 Lots (members in good standing) must vote YES before the BOD would be authorized to proceed with accepting the purchase offer. If the minimum number for a YES vote is not reached, then the HOA Board will proceed with planning for a greenspace/park for the 0.75 acres of donated land.

7. When would a greenspace/park be available to the neighborhood?

This is only the start of a long process. The property (both the proposed donated land and the potential purchased land) is currently zoned agriculture, and Ownership would need to initiate the zone change process with the City. This process will entail working with Planning and Zoning and identifying any interest the City Parks and Recreation Department may have in participating in the project.

8. Do community members get a chance to voice their opinion?

Community members are always welcome to talk to each other and participate in an exchange of opinions. And there was discussion and debate at the HOA Annual Meeting. However, the HOA Board has been advised by legal counsel that it is not required to allow use of the HOA Communication Board or the Official HOA Website for the posting of opinions. If people want to pass out leaflets in accordance with local laws, that is certainly acceptable. There is also an unofficial neighborhood Facebook page some members of the community use as a way of friendly communication with each other. The HOA Board does not usually answer questions on the Facebook page as it is intended mainly for neighbors to communicate. As always, all posts must abide by community standards. Information posted on the Facebook site has not been fact-checked and posts may or may not be factually correct, so use caution and kindness when responding to posts.

9. How much will it cost?

The \$15,500 cost of the land would be covered by accumulated capital currently held by the HOA. In addition, the 2024 budget approved by HOA membership already includes \$5,000 toward development of a greenspace/park. This amount will be put toward any associated expenses (e.g., design, irrigation, grass, bushes, trees etc.) plus any incidental costs occurred from transferring ownership. The neighborhood will vote at future annual meetings as to how much money they want to dedicate to greenspace/park development or amenities, if any. Ongoing interaction and involvement with the City of Spearfish will also be required.

10. Will my yearly dues increase depending on the greenspace/park size?

Not without future votes regarding the use of the greenspace/park. An increase in dues can only be approved by a majority vote of homeowners. The future direction of the greenspace/park development will be community driven.

11. How come there isn't a long-term cost analysis and plan for the greenspace/park?

Future costs for the greenspace/park will be dependent on what members of the Elkhorn Ridge Golf Estates HOA decide through the annual budget approval process. It is also dependent on this current greenspace/park vote as to how much land will be developed into a greenspace/park. Once the land is purchased/donated and the total size of the greenspace/park is determined, then a committee can be formed to poll community members to determine the direction of development.

12. What amenities will be put into the greenspace/park?

No decisions have been made regarding development and/or amenities, if any. Listed below are some *possible* park amenities that the current Board thinks that the community might decide to vote on in future years. However, all decisions will be made by the neighborhood at annual meetings and through votes. Possibilities: installation of sidewalk from edge of park property to the mailboxes, gazebo(s) with 3-4 picnic tables, basketball court with lines for pickleball, benches around park, dog park.

13. How much will insurance costs increase?

The insurance cost for the additional common area is a minimal increase to our current insurance cost (currently approximately \$1,000 per year). On the other hand, if the neighborhood were to vote in the future to incorporate a playground structure into the greenspace/park, insurance is typically purchased for the lifetime of the playground up front as part of the playground cost. This cost would be prohibitive (\$100,000-\$300,000). Therefore, to incorporate a playground, the neighborhood would need to have additional funding such as grants, donations etc. and/or entail City involvement. There is no current plan for a playground.

14. Why don't we ask the City to install a park?

Short answer: we cannot enter into an agreement for land that we do not own.

Long Answer: Ownership has generously agreed to donate land for a park and has agreed to give the community the option to purchase an additional .75 acres for more park land at a greatly reduced price (about 15,000). Since HOA members of Elkhorn Ridge Golf Estates HOA do not own any land to donate to the City, we (the neighborhood) have no ability to enter into an agreement with the City about the proposed park. Even without formal ownership by the HOA, the City has been approached numerous times over the years by community members. When Ownership approached the City five years ago, the City was not proactive. If the land purchase is approved, the process will move forward in this regard as zone changes will need to be approved by the City. There will be ample opportunity for community/public input incorporated into that process. The path forward: a) determine size of the greenspace/park (through this vote), b) commence with the zone change process, c) the formal transfer of ownership of the land to the HOA. Once property ownership has been finalized, zoned and transferred to the HOA, it is possible, if the HOA membership approves, that the City would agree to take over the property provided an appropriate understanding can be reached. The zone change process will provide a time to nurture any possible collaboration with the City. We would not want to simply transfer ownership of the property to the City without legal protections in place regarding land usage.

15. What will happen to the .75 acres that Ownership has agreed to sell to the HOA if the neighborhood does not vote to approve the land purchase?

Then the land will be sold in conjunction with the adjoining property to a developer with the anticipated plan being that townhomes will be built on that land.

16. What about parking, especially as it impacts those that live near the greenspace/park?

As a neighborhood greenspace/park it is anticipated that most people will walk to the greenspace/park. If the neighborhood votes to purchase the extra .75 acres, then a parking lot may be possible in the future. If the neighborhood votes to not purchase the extra .75 acres, then there would not be enough room to add parking. Parking requirements will likely be established by the City during the zone change approval process.

17. What is the point of having a greenspace/park if there isn't a playground/dog run/walking path/basketball court/gazebo, etc.?

Although it may take years for the greenspace/park to be fully planned and develop, since it will be dependent on HOA annual budget approvals, the greenspace/park will eventually provide a place where members of the neighborhood can meet, visit, relax, play and have community gatherings. And there will never be any residential or commercial development of that property. Meanwhile, there will be open space for all to enjoy.

18. Why can't the greenspace/park be built at a location further removed from a main road?

Over the last several years, Ownership has looked for possible areas for a park. A park was not part of the original development layout. The proposed location is the only available remaining location suitable for a greenspace/park in the neighborhood.

19. Can we apply for grants for the greenspace/park? How can we get it developed faster?

Once the park is under HOA ownership then grant writing and donations will hopefully be pursued by an HOA Park Committee. If community members want to donate time, supplies, monies, construction abilities, then that would also help the greenspace/park to be developed quicker. Many items can only be decided and voted upon at the annual meeting vote, so some decisions will have to first be presented at that meeting.

20. What are the pros of voting YES for the HOA to purchase the additional .75 acres offered by Ownership at the discounted rate of about \$15,000?

Some pros include: The flexibility to add future amenities to the greenspace/park, i.e., playground/dog run/walking path/basketball court/sport goals/Gazebo/clubhouse/parking lot etc. Also, according to Spearfish city planning guidelines, a larger greenspace/park area increases the likelihood that the city might take responsibility/ownership over the park, if the community decides to pursue that route. Fewer homes/townhomes would be built to block views. Additional greenspace would be available for activities. Possible increase in home resale value.

21. What are the pros of voting NO for the HOA to purchase the additional .75 acres offered by Ownership?

The purchase price of \$15,500 and related costs would be saved. Depending on the development of the donated land, less money will likely be spent on upkeep of that smaller property. Less expense on watering system, trees, amenities. The greenspace/park would likely be limited to a simple quiet greenspace or pocket park with a few benches and perhaps a picnic shelter.