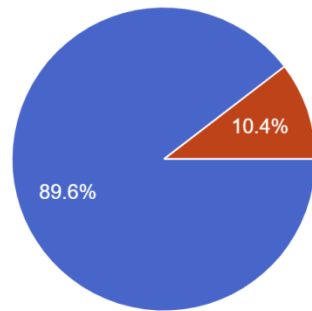


Foxhall Trail Usage Survey Results, February 2023

Were you aware of these guidelines?

48 responses

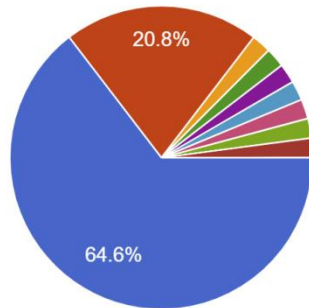


- Yes, I have seen them in print or through links to the trails document on the website.
- No, I have never seen them before.

Do the Trail Use Guidelines match your expectations of how the trails *should* be used?



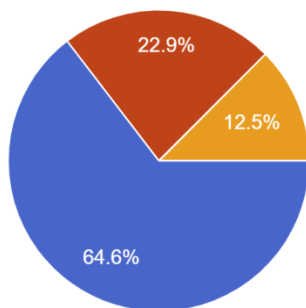
48 responses



- Yes, I agree with each of the guidelines.
- No, I disagree with some of the guidelines. (provide comments in the...)
- I do not live in Foxhall, but I do own la...
- I agree with the guidelines, with the int...
- It's difficult to answer because the gui...
- Too hot of topic for me to say my opini...
- Need to add language of "accompanie...
- Who determines the meaning of histor...

Do the Trail Use Guidelines match your experience of how the trails *are being* used?

48 responses



- Yes, in my experience, the trails are being used according to the guidelines.
- No, I have observed that the guidelines are not being followed on the trails.
- I do not have enough experience on the trails to justify a response.

Survey comments, grouped by rough category. Text denoted by [note: ...] is added by the FCA Board.

Positive

12 I think the rules are clear and reasonable. They were arrived at through an involved group process including the trails committee, FCA membership, and the board.

17 The Guidelines are common sense and straightforward.

Running

1 The way I read the language, it suggests that running is not allowed on the trails, only walking. I think running should be allowed.

2 - Clarification - does this mean running recreationally is not allowed on trails?

E-bikes & other motorized vehicles

For (4 comments)

1 I think pedal assist e-bikes should be allowed. They are specifically that, motor assist when you pedal. <name withheld> discovered he could enjoy cycling with the help of pedal assist bicycles. The pedal assist also helps me, especially going up hills. I think they should be allowed. E-bikes that provide full-throttle and don't require pedaling are a motorized vehicle, like a motorcycle.

2 - I would prefer e-bicycles be allowed but still motorized vehicles would not be permitted on the trails.

47 motorized vehicles should be allowed by residents only so all residents can use the trail safely.

4 I think we need to consider allowing both ATVs and electric bicycles on the trails. Guidelines for the use of these vehicles can be developed to provide for safe usage of the trails by residents and accompanied guests, including those with limited mobility, to use the trails for personal use.

Against (7 comments)

24 The quiet, nature-friendly trails are the primary reason I wanted to live in Foxhall. I use them up to three times a day. I am strongly against the use of motorized vehicles on the trails. It would not only be disturbing for wildlife, pedestrians, and horses/equestrians, it would trash the physical condition of the trails. It would also negatively impact the tranquility of the neighborhood and private properties.

41 We want to make sure motorized vehicles continue to not be allowed, as we think they could pose safety hazards as well as increase the maintenance and upkeep fees.

35 Foxhall was envisioned, built, and marketed as an equestrian community. The community equestrian trails are the selling point of our community and need to be maintained with equestrian needs in mind. Recreational walking and biking are compatible and complimentary to equestrian use. Motorized vehicles are not. Motorized vehicles can surprise horses, pedestrians (who may have animals on long leads), and bicyclists. Motorized vehicles (beyond current use as needed for repairs) would increase risks, diminish other's enjoyment of the bridle trails, and harm us all with unnecessary noise pollution. We enjoy the trails to ride and walk our dogs. The bridle trails brought us here and were used in the

valuation of our property to get to value for our purchasing mortgage. Expanding use of our trails to motorized vehicles would harm us all with diminished property values and enjoyment of the neighborhood's crown jewel resource, and needless increase of noise pollution in our rural equestrian community.

44 Please do not ever make our trails open to motorized vehicles. It will jeopardize the safety of both pedestrians and horse riders. As it is, my husband and I were nearly run down by a bike rider going full tilt down a hill just as we came around the corner. We all narrowly avoided a bad accident.

12 I do think it is important we continue to prohibit motorized vehicles. This should include the exclusion of e-bikes. They go too fast and pose a danger to other trail users. Electronic bikes (E-bikes) should be limited to use on the roads.

22 Keep motorized vehicles (including motorized bikes) off the trails except as noted in the guidelines. They are not compatible with horses.

42 No e-bikes or any motorized vehicles except for maintenance

Disabled access

29 Motorized wheelchairs are not allowed in the guidelines, but should be.

Uses / definitions

4 While a previous BOD chose to define For the benefit of as stated above there is nothing inherent in those words defining them as consistent with historical use. I understand the term for the benefit of may be nebulous to some but previous to the adoption of these guidelines there was widespread belief in the Foxhall neighborhood and signage on the trails stating trail use was limited to residents and their accompanied guests which excludes anyone who either is not a resident or accompanied by a resident. This definition of for the benefit of is consistent with our understanding of the term for the benefit of. While I believe some exceptions are warranted such as visiting grandchildren being able to walk the trails without a grandparent my understanding of for the benefit of does not include any resident who has a business on their private property being able to use the Foxhall trails for the the benefit of their private business. This specifically would exclude from trail use anyone who is not a resident who boards a horse at a Foxhall property.

6 Item 3: I feel this should include the wording exactly as presented in the covenants for the benefit of, and use by ... Statements regarding historical use may be added for context.

13 Number 3 language, compatible with historical uses of the trails may need to be changed to keep people from using the trails in a commercial capacity. Specifically, the horse boarding and then letting non residents use the trail system. This has been going on for years, so would this fall under historical use? I like to see people using the trail system, but what would stop someone from opening a mountain biking business where their customers have use of the trail system? Not sure if modifying number 3 or adding another guideline to stop horse boarding non-residents who are not accompanied would be best.

20 Need to add language of accompanied by a Foxhall resident. Foxhall residents sometimes walk with friends that may not live in Foxhall. Should be okay as long as accompanied by a resident of Foxhall.

23 I agree with the guidelines, with the interpretation that historically the trails have been available to people who board their horses with Foxhall residents, or who might bring their horses to ride with Foxhall residents.

25 If there is a horse on the trail, there's a 99% chance the rider is a customer of the equestrian center. This one property boards up to 24 horses. I know, because I have counted them many many times. You have an equestrian center putting up to 24 horses on the trail. That's not private use. That's public use. And you state the trails are for recreational use. But the equestrian center's 20+ customers make the trails commercial use, not recreational use. Guideline #2 you state the trails are private and not for use by the general public. The 20+ horse riding customers from the equestrian center are the general public. They are the general public, paying a fee to the equestrian center. In exchange for that fee, they ride our trails. That's commercial use.

47 #3 allows commercial and nonresidents to use the trails - that is Not Private!

42 #3 The historical uses needs to be better defined. How is a new resident supposed to know the history? Why not go back to accompanied which has been the rule for decades #5 The types of uses should exactly match the insurance (walking horses, motorized wheelchairs, etc)

6 Item 5: This could include a statement regarding the need for special safety considerations for trails used by horse riders (reference the trail courtesy section). Should pets be on a leash?

27 I would like the wording changed to owners may use the trails. I also think that if an owner has a boarding facility then the boarders should be able to use the trails. I thought that was what the judge determined when Foxhall was taken to court. An owner pays dues to maintain the trails so they should be able to use them even though they do not live there. Boarders in Foxhall should be able to ride because their horses are here and it has been done for years this way and the court ruled that they could continue to ride the trails.

28 If we have family visit and stay with us they should be able to walk the trails.

37 Who determines the meaning of historical use? We have lived here 26 years and were always told the trails, etc, were for residents and ACCOMPANIED guests. To us and many others, this was the expectation. The owners of the commercial horse boarding business have always seemed to push the limits and have been cited many times in the past for taking advantage of the trails because unaccompanied non residents were (and still are) an insurance liability. This particular owner of the commercial boarding business , in recent years has had the ok from previous boards to continue allowing this . Supposedly this particular boarding business claims they have insurance for their boarders. When some of us , at Board meetings, asked to see proof or if the Board members had seen proof of this coverage, none was provided. [note: this was covered in board meetings, including 12/12/2018, as well as 3/7/2023] In fact, those of us asking about it were labeled troublemakers or people not community oriented ,etc. .Trails are for residents and accompanied quests only and no exception should be made for any commercial boarding business . If a resident has a commercial boarding business and allows their riders to ride unaccompanied, this puts the whole Foxhall community at risk for a possible lawsuit should an accident occur and we are sued. There needs to be proof positive that all our facilities are insured. There needs to be insurance coverage by the Boarding facility for its

riders provided to our Board as well , especially if non resident riders continue to ride our trails unaccompanied.

43 I have no objection if the equestrian boarders or on private property in Foxhall use the trails because they or their horse resides here. I would also like better education of bikers on how to behave around horses for their safety and our safety.

13 I also do not want to have signs all over with 30 guidelines like some municipal parks have trying to solve every problem ever encountered.

41 I don't understand the purpose of this line, or how change would be possible if the rules state that it should always remain how it's always been. It seems obsolete and should be more clearly defined or taken out.: 'For the benefit of' means consistent and compatible with historical uses of the trails

48 businesses within Foxhall have a right to exist and use trails per court ruling.

25 I prefer to have no equestrian use of the trails. None. It's an activity that's as dangerous as a swimming pool. We do not have insurance that cover multi million dollar claims.

50 "I have also observed for the most part they are not followed. Guidelines 1 and 2 state the trails are private and not for use by the general public. However, there are clients from a commercial boarding facility who are nor residents and members of the general public allowed unlimited use of our trails. Guideline 3 says "for the benefit of". Based on the recent legal ruling, this allows a resident to use our common properties for whatever benefits them personally. Historical use is subjective. For example, before moving here, I witnessed ATV's using the trails on a daily basis. Admittedly, this daily use took place around the trails adjacent to 42nd and 43rd court. This is historical use by motorized vehicles. [note: this is most likely on individual members' lots] Guideline 4 states the trails are for recreational use. However, they are also being used extensively for commercial use. Guideline 5 appears to limit what you can do on the trail. The legal ruling determined..for the benefit of and use by meant each individual can do what they want in the common areas as long as it benefits them. The trail use guidelines, just as a board rule, or a bylaw restricting use of the trails would conflict with the covenants. Guideline 6 Motorized vehicles actually are allowed. Nothing in the covenants prohibits them and they have been used for recreational purposes on the trails for at least the last 25 years.(Historical use)

Dogs

21 I do think that residents walking their pets need to keep them on the leash. There has been issues with dogs being allowed to run free on the trails when their owners are out with them. Most of the time they are out of sight of the owner. There is a leash law in Thurston county.

6 My only negative experiences on the trails have been when aggressive, barking dogs, both within and outside Foxhall, have near access to the trail. Even if the fencing seems secure, I am uncomfortable in those areas. I don't think a new rule is possible, but perhaps an appeal for courtesy regarding managing dogs near the trail. Could we suggest a setback of twenty feet or so for invisible or dog fencing?

24 Aggressive dogs along the fencelines are an issue in spots.

27 I think that dogs that are aggressive at their fences when horses go by should have their dogs away from the trails. Some horses are ok with dogs, but others are not and will sometimes take off with their riders since they are so afraid of the dogs.

Violations

1 Running. Occasional pedal assist cycling. Honestly though, I rarely pass anyone on the trails that I go on. I have never had an unpleasant encounter on the trails. I love our community trails and I'm grateful for everyone who works to maintain them.

3 In all my years walking and running the trails I have only twice run into someone who I know is not a Foxhall resident (people whose property backs onto a trail)

4 While I have not personally observed motorized vehicles, either electric bicycles or others of an ATV type being used on the trails I have seen tracks on the trails indicative of tires of an ATV type.

5 Trail Use Courtesy is just as important as Guidelines. Especially how trail users safely pass each other when bicycles or animals are involved.

9 I've seen people that do not live in Foxhall walking on the trails with their animals. Visiting members of Foxhall households should be able to use the trail. Folks boarding a horse in Foxhall should have the owner of the facility riding with them on the trails for liability purposes.

10 I use the trails a lot and have seen very little use that conflicts with our guidelines.

12 The only rule/use violation I have observed was an e-bike on the trails, going quite fast. This happened last summer. Other than that, I think the rules are generally followed.

13 I do not know every every resident and do not care to police who lives here or not, so I would not know if boarding horse owners are using the trails or not.

18 Nonresidents on the trails

22 The primary illegal use has been by neighboring ownerships. walking the trails: there are some trespasses (such as fences) by Foxhall owners, on trail properties. Continue to resist allowing non accompanied, non resident horse ridership on the trails.

24 Aside from people who don't clean up after their dogs, it seems like the guidelines are followed.

25 It's equestrian use that makes the trails unsafe. I've come into contact with many many riders who were galloping at full speed, forcing me to get off the trail (and trespass on a member's) property). I encountered riders that blocked my way on the trail, insisting I talk to their horses?. That episode scared by dog so badly it bolted backwards out of his collar.

29 One of the trails passes near our house and everything seems just fine to me.

37 There have been non residents riding and walking the trails unaccompanied. Previous Boards were well aware of it but did little or nothing to curtail such activities. Recently, Greg Darnell and others on this Board were upset that people from neighboring communities were walking on the trails and he advocated for trail cameras to be set up by homeowners on their properties to catch the offenders in the act. He was concerned about these walkers yet never said a word at any previous Board meeting about unaccompanied riders. The trail rules cannot be for one group and not another. There has to be

clear and definite actions by the Board that one group (boarder facilities who are allowing their non residents unaccompanied access to our trails) are treated the same as walkers who are unaccompanied non residents. [note: boarders are arguably on the trails “for the benefit of” a member, while outsiders using our trails are not] Our dues pay for these parks and trails, not outsiders.

38 Mostly the trails are used appropriately except for some non-residents riding horses

42 Forest Park and Holly Woods residents use the trails. E-bikes and even ATVs have been seen on the trails on rare occasions (not maintenance related)

43 Occasionally people outside of Foxhall use the trails, but I only see occasional and intermittent use and we use the trails extensively and daily. If this were ever to become a problem, I would report it.

45 I have seen non residents riding horses in here and know that that is still a problem coming from the people that board other peoples horses here. It was not as frequent when one of the boarding facilities in here dropped down to a few but now that it is back up and running you bet there will be more of this happening especially when our trails are being advertised for use.

46 Mostly, the Guidelines are followed, though there is the long-time issue of boarders riding horses on the trail. We would prefer that any non-residents only ride on the trails when a guest of a resident. Occasionally we see a few of the residents from just outside Foxhall walk on our trails. Perhaps increased signage would help address that? Not sure. The access points we've noticed have been from Forest Ridge [note: Forest Park subdivision?], from Holly Woods, and from the Cross Creek [note: Copper Creek?] houses. (It's not very often.)

47 The general public on a daily basis is using our trails, especially the horse stable clients & lots of nonresidents on bicycles.

48 I have occasionally heard rumors of off road vehicles being seen on trails but they are not allowed nor have I personally witnessed this.

50 No, the trails should be private and not for use by the general public. Atlowing nonresident clients at a commercial boarding facility to use our trails renders our neighborhood as public access as interpreted by several insurance companies. The trails are being used by the general public by allowing commercial use. There is a suggestion that all trail users have to yield to a horseback rider. I'm almost ok with that except in the case of a nonresident. I don't feel like I should have to move off the trail for someone who should not be in the neighborhood in the first place. They are trespassing, damaging the trails and increasing our liability risk.

Canyon (2)

49 The canyon trail, which has dangerous slopes, should be restricted to residents only, with no equestrian use.

47 The canyon trail should be closed immediately per county law. It is a feeder stream which drains into the sound and directly impacts the welfare of whales and salmon. Damage has already been done but closing it will mitigate further habitat damage. What happened to all the residents who were concerned about the environment? The canyon trail was supposed to be a grassy trail nothing more. What happened? Illegal easements not approved with a covenant change. Rocks, gravel and bridges that

hardly anyone uses & that remains a giant liability in our HOA. [note: already covered in June 2020 Budget Meeting, among others]

Insurance (3)

37 The Board has to make sure our insurance is adequate for and covers all the HOA facilities.

49 If we don't have insurance for the high risk activity on the trails, the high risk activity should be prohibited until we do. The commercial boarding facility was covered by a policy that was issued on the premise that our common properties were open to the public. If this is still the case, the board needs to either stop the use of the trails by commercial users [covenant change] or establish our neighborhood as public access because that is the only defense against a liability claim by one of the boarding facilities clients. RCW 4.24.21A()

42 Membership should consider a bylaw requiring boarding stables using trails to provide Foxhall with liability coverage

Ideas

Fees (6)

39 Charge the boarding facility a monthly fee for additional trail usage. Set up trail camera to monitor how many horses are going on the trail.

41 We also think if the trails are used for business purposes, the businesses in question should pay a proportionate amount of money toward the upkeep

30 With the current amount of usage, I have no problem with horse boarders using our trails. I do however think it makes perfect sense- and would be both reasonable and prudent- for the HOA to charge an additional fee based on number of horses at any boarding facility in Foxhall. Frankly, I think it's strange that this has not been the policy as I think it would have avoided a lot of legal and neighbor contention.

42 Membership should consider a bylaw change assessing fees to properties that board non-resident's horses which use the trails.

41 From what I understand, the trails are being used by equestrian center(s) guests. If this is accurate, then the maintenance and upkeep of the trails should be treated as a business expense, which should not fall on the residents of Foxhall. Paying insurance for the trails (I don't personally know the extent that this covers) should be a necessary starting point to protect the Foxhall members, however I would assume a proportionate amount of upkeep payment should be made by the business(s) per guest that uses the trails. Ideally, since the business is profiting off of Foxhall residents' private property, it seems that the business should not only pay the upkeep fees, but also pay to rent the facilities, as it belongs to the residents of Foxhall, and not to the businesses of Foxhall.

45 I personally and others here think that there should be a separate fee for those non residents that board to use our trails and that fee should come from the owner of the boarding facility to help pay for

the care of our trails. It has been a hot subject but it is only right. Summer is coming and the trails will be used a lot more.

Distribution of Guidelines (2)

12 I do think we could do a better job of sharing copies of them with new neighbors. I would like to see the board adopt a new resident packet for new residents that includes a paper copy of these trail rules. We could also consider posting some permanent copies at a few locations along the trail system, just to make sure that everyone is aware of these rules.

5 Have a few hardcopies of Trail Use Guidelines trifold at annual meeting for those who want them, and also mail out hardcopy to new residents moving in to Foxhall.

Trail Ideas (7)

5 We self-maintain our trails, which saves Foxhall members a lot of money, as compared to hiring out the maintenance. If this community service and cost savings approach is going to perpetuate, we need to continue a rotation of service into and out of the Trails Committee (as we have successfully done since 2016). I think it is up to both our Foxhall board and our trails committee members to keep encouraging this rotation of service, by mentioning it at every membership meeting, so folks are aware of community service opportunity with our trails committee.

24 Noxious weed control needed to prevent further spread (especially holly, scotch broom, and yellow archangel).

39 At the beginning of each trail have dog waste bags.

10 One year there was a request to help the trails committee with some trail maintenance. There were several specific projects that needed to be done. That was a nice opportunity for me to contribute (aside from the minor trimming and clearing I do as I'm walking the trails). Please let us know when help is needed

42 Board should contact Forest Park and Holly Woods HOA presidents, as has been done in the past, requesting they respect our private trails.

1 It bothers me that when I walk or run on the trails and I have to dodge horse poop. We are required to clean up after our pets, I think those riding horses should abide by that rule as well.

4 The references to our trails on our website and any published materials should be improved by referring to the trails as multi-use trails. These trails are not bridle paths. Trail usage is consistent with the term multi-use while inconsistent with the somewhat antiquated term bridle path. The continued use of the term bridle path is misleading. I appreciate the work done by the trails committee to improve drainage and to remove hazards along the trails. I also recognize the trails could continue to be improved ad infinitum I see no need to spend additional Foxhall community members dues on other than basic drainage improvement and hazard removal. These are multi-use trails, they were intended for use of a limited number of people and there is no need to have them improved to the trail standards of the National Park system. Our trails are located in the great Pacific Northwest. We receive an abundance of rain each winter, puddles and mud on the trails are an expected part of living in the Pacific

Northwest. While those of you who ride horses may think my next comment is without merit I will nonetheless state the worst part of Foxhall trail walking is dodging the piles of horse poop. I have no expectation that Foxhall residents will be required to place manure catcher bags on their horses however this would improve the Foxhall trail walking experience.

Covenant/Rule Change (4)

47 Covenant change to stop the use of the trails by commercial and nonresidents or use 3 party mediation to accomplish the same and also it will set safe protocols for multiuse trails.

49 A covenant change to stop unaccompanied nonresident and commercial use of the common properties.

50 Develop a Covenant prohibiting all commercial use of our common areas. There is a bylaw never enacted that could be used as a template for the new covenant. However, a lawyer should be consulted to get legal verbiage.

25 Talk to your attorney. Get professional help on setting up rules to eliminate commercial use of the trails.

Uncategorized

49 If I could interpret what your guidelines were saying, I could give you an answer. I'm not sure why you didn't want to inform the neighborhood in a straightforward manner what your concerns were. You discussed for hours at board meetings the need for a covenant change, but you don't want to give the membership the background info why a change is needed or why we continue allowing commercial use and nonresident use of our HOA common properties. Here it is: 78 residents voted to protect our neighborhood with a bylaw intended to ensure our security, insurability, livability, and exclusivity. It was opposed by 18. It would have stopped unaccompanied nonresidents from using our common properties and it would have stopped commercial uses such as the horse boarding facility using our property for their clients' trail riding. These uses make the trails uninsurable. We have a bare bones HOA policy without actual insurance for the usage of the trails and we cannot purchase it if the commercial use continues. In 2016, the board president visited an attorney at the HOA's expense, obtained the opinion that he wanted and used it in court to support the horse boarding business over the welfare of the entire neighborhood. Many residents think that the use of proxies defeated the bylaw, but more people voted in person for the bylaw than voted against it. The ruling was a result of the judge going along with the board's wishes and their attorney's opinion. Judge Skinder cited that the covenant language for the benefit of , and use by the resident' conflicted with the restrictions of the bylaw. The judge was also led to believe the Liberty Mutual policy insured horseback riding on our trails and the attorney's opinion did not even consider insurability.

Kudos (21)

3 The trails are fantastic!

9 No, you're doing an incredible job. Love the painted rocks.

12 I see many neighbors out enjoying the trails nearly daily. We are lucky to have such a great community asset. I appreciate the work of the trails committee and the board in supporting the ongoing maintenance of the trail system. We are so lucky to live here and share in this great community asset. Using the trails is a great way to get exercise and interact with our neighbors. It has made me happy to see the neighborhood take a more positive and proactive approach toward the maintenance and use of our trails.

11 I am happy with Trail work and rules ,even though my money goes to trail maintenance with the benefit of others that don't pay.

12 So impressed by the continued efforts to clean up and remove dead and fallen trees. It is a never-ending project. We are so lucky to have such great volunteers.

16 We think trails committee is doing a great job!

17 The Trail Committee is doing a wonderful job.

20 Trails Committee does a wonderful job!

26 I love the trail system. A big thank you to all those who work so hard to maintain them.

28 You have all done an amazing job Love the trails as do our puppies.

30 The trails are in incredibly good condition. I hope that the Board recognizes not only the recreational value that these trails provide Foxhall residents, but also the pecuniary value for our real estate values. There are virtually no other neighborhoods in Thurston County that possess this asset making Foxhall very unique. When something is very short in supply, the market value becomes greatly appreciated over time.

33 We feel that the trail system is our biggest asset in Foxhall. We use the trails daily and greatly appreciate the care and maintenance that's given to them.

34 Trail Committee is doing a fantastic job! Thank you!!!

35 Only comment is a big thanks to the trails committee and the HOA board!

36 I think we are doing a great job of maintaining the trails. Trails maintenance should be continued as a priority for our community.

43 I think that the trails committee is doing a FANTASTIC job. The trails have never been in a safer and better condition. It has really enhanced our trail experience. Thank you so much!

45 I think the trails are being very well taken care of and am very thankful. We do our part to keep our area clean

46 We think the Trails Committee and its volunteers have done a wonderful job of maintaining the trails through the past couple years. They are very responsive to any threats that come up. We also appreciate the efforts to secure access for a couple connectors that weren't initially on the plat maps.

48 The trails are beautiful and need to be maintained as this is the major buying and selling point of property owners here.

38 Kudos to the trail committee for all the work they do!

40 The trails have improved greatly since we moved in over 20 years ago. This Association was developed especially for equine use and walkers. The trails committee have done a great job. Thank you so much.