



SUN PEAK NEWS

WINTER 2019

ANNUAL MEETING

The annual meeting of Sun Peak Owners was held in the clubhouse on December 6, 2018 with 35 homeowners in attendance. Including proxies, a total of 147.5 votes were represented; but since 219 votes are needed to achieve a quorum, the annual meeting was adjourned and re-scheduled for December 7, 2018. At that time Jerry Gross and Jim Revel were reelected to the Board of Trustees.

For the benefit of the members present at the clubhouse on December 6, an informational meeting then ensued. The club manager explained why it was necessary to increase the annual assessments and discussed the status of improvements of common areas. Reflecting trends in the Park City area, the homeowners' association has encountered cost increases for maintenance services including services for landscaping, pool, tennis courts, and clubhouse services, and there has been an increase in management fees and the cost of irrigation water.

In addition, new maintenance services have been considered in order to address the potential issue of wildland fires. Sun Peak owns 314 acres of open space. Sun Peak Board members, the

managers, and homeowners have met with Park City Fire Department to better understand maintenance requirements. Full wild land fire prevention for all 314 acres is not possible even at enormous expense. However, annual funds are being allocated to better maintain the open spaces. In addition, funds have been allocated for a Community Clean Up Week which will be held in the spring. This program is designed to encourage homeowners to remove vegetation from their properties to create a defensible space against wildland fires, as well as to encourage homeowners backing up to open space to remove fire fuels according to the HOA guidelines. Urban Fire Prevention brochures are available in the Clubhouse and online at Sunpeak.org.

Governing Document

Amendments: The Board of Trustees updated homeowners on the status of amending the Sun Peak governing documents, explaining why the CC&R's need to be updated from both a legal and community perspective. Sun Peak was founded more than 25 years ago and the initial CC&R's were prepared by and gave certain rights to the developer which are no longer relevant. It is the goal of the Board to adopt updated governing documents in 2019 which will bring us into line with the latest HOA best prac-

tices as well as current Utah law. The updated governing documents will be mailed to homeowners, and we ask that all homeowners read the documents and respond by returning the proxy included in the communication package.

Reinvestment Fee: One of the topics discussed at the meeting was the establishment of a reinvestment fee to be paid at the closing by the purchaser of a property in Sun Peak. The proceeds from the collection of the reinvestment fee would provide funds for continually updating Sun Peak's facilities. Many HOAs in Park City and elsewhere have established such fees. Based on data from the Multiple Listing System it is estimated Sun Peak lots sold in 2017 total \$21,383,024. If a reinvestment fee of one half of one percent (.005) had been collected on those sales a total of \$106,915 would have accrued to the association. Park City associations already collecting reinvestment fees include:

- The Canyons Specially Planned Area — .5% to 2%
- Empire Pass, Tuhaye, Promontory & Glenwild — 1%
- Park Meadows, The Preserve, Empire Pass, Victory Ranch — .5%

Trails: In late 2018, for the very first time, the Snyderville Basin Special Recreation District ("SBSRD")

posted a sign prohibiting snow biking on Rob's Trail. This unprecedented step caused an uproar among snow bikers, including Sun Peak owners who have used the trail for twenty years or more. Since much of the trail is located upon common lands of Sun Peak and used by the District under an easement from Sun Peak, the Sun Peak Board of Trustees met with District officials to discuss the issue. The Board emphasized that the District should have contacted Sun Peak, the landowner for much of the trail, before implementing any new management rules on the trail and the District officials apologized for this oversight. However, the District is of the view that this is a safety issue. While there are no records of any specific conflicts, some District trail maintenance employees have been told by hikers that they did not like encountering snow bikers on the narrow trails. The District's executive director is concerned that if anyone steps off the narrow, packed area of the trail into the soft snow on the side, they could tumble down the hillside and be hurt. The District's representatives told the Board that the winter prohibition should not have been limited to snow biking and actually includes all forms of transportation other than hiking.

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COMMUNITY REMINDERS



NIGHTLY RENTALS are NOT permitted in Sun Peak. Violations will be enforced as per the CC&R's, Rules and Regulations, and the Schedule of Fines available on the sunpeak.org website.



DESIGN REVIEW. Please check sunpeak.org for information. If you are not sure if you need approval, please email sunpeakpc@gmail.com or contact Senta Beyer at 435-640-8472.



TURN OFF OUTDOOR LIGHTS BY 11 p.m. Consider replacing outdoor lights with lower wattage bulbs and make sure all lighting is down lit. Protect our Night Sky!



NO PARKING ON STREETS. Please be considerate and do not block access to residences in Sun Peak. Parking on public streets from Nov-May could result in your car being towed by Summit County.



CLEAN UP AFTER YOUR PETS, and keep them under control: Please abide by leash laws!

CLEAN UP any items stored under your decks, on the sides of your house and/or in your yard. The CC&Rs prohibit the storage of potential eyesores. Keep our neighborhood looking clean!



TRASH. Bring in your trash cans in from the street after the trash is picked up. Trash cans cannot be stored outside.



MAIL. Report issues with mail to the Park City Postmaster at 2100 Park Avenue, Park City, UT 84098 (435) 655-8037.



RULES AND REGULATIONS AND SCHEDULE OF FINES. The Sun Peak Master HOA rules and regulations, and the schedule of fines are available at sunpeak.org or email the manager at sunpeakpc@gmail.com or call Teresa Wharton at 435-640-5857 with any questions or concerns you may have. The association follows the rules and regulations as written in the CC&R's, the Schedule of Fines lists the violation procedures.



CONTACT INFORMATION: Association Managers: Teresa Wharton & Senta Beyer 435-655-8365 sunpeakpc@gmail.com Please contact us with all community questions and concerns. Or visit the community website at sunpeak.org.

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The original intent of the easement agreement between the District and the Sun Peak HOA was for a non-motorized, multi-use trail. The Board met with the District several times and proposed ideas and management strategies that would allow for multi-use during the winter months, but in the end, the District feels there is a need to maintain Rob's Trail as a "Hiking Only" trail in the winter months and stated they would not reverse their decision.

Some owners of Sun Peak have urged the Board to terminate the easement granted to the District and made reference to a 2016 agreement between the District and Sun Peak. However, the genesis of the easement actually dates back to August 15, 1994 when the developer of the proposed Sun Peak executed a Consent Agreement with Summit County. Thus, in order to gain approval for the development of Sun Peak, the developer agreed in 1994 to grant an easement which includes the Millennium Trail, Rob's Trail, Colin's Trails and the UOP Connector Trail and to dedicate these trails to the SBSRD. Funds used to create the public trails were achieved through grants and Summit County tax dollars. The developer, and consequently the HOA, has performed its obligations and the SBSRD has agreed to indemnify, defend, and forever hold Sun Peak

harmless from and against any loss, damage, injury or death arising from any act or omission of SBSRD for the duration of the Trail Easement and/or Access Easement.

Sun Peak governing documents, and the Public Recreation Trail Easement and Access Agreement clearly state the "trails shall be used only for hiking, bicycling, cross-country skiing, skiing, horse-back riding, and other non-motorized travel". Sun Peak lot owners do have the right to use the open space owned by Sun Peak owners in common as specified in the governing documents. However, Sun Peak owners may be in violation of the SBSRD rules if they choose to use the trail in the winter months for anything other than hiking. The Sun Peak Management and Board continue to explore a more long term resolution with the SBSRD.

Trails Committee: Some Sun Peak owners have requested the formation of a Trails and Open Space Committee. Please contact the Sun Peak Managers if you wish to be on the Committee. NOTE: The Trails Committee would serve solely as an advisory group, gathering information and making recommendations to the Sun Peak Board of Trustees, which manages and governs the property affairs, and general business of the Association.

CONTACT INFORMATION

ASSOCIATION MANAGERS

Teresa Wharton & Senta Beyer 435-655-8365 sunpeakpc@gmail.com. Please contact us with all community questions and concerns. Or visit the community website at sunpeak.org.

The board meets quarterly to discuss the affairs of the association. Please notify the managers if you wish to be notified about meeting dates. All meetings are open, and available for owners to attend.

Meeting dates are posted on the website sunpeak.org. If you're not receiving our emails please update your contact information by sending it to sunpeakpc@gmail.com.

In case of an emergency or any suspicious activities please call the following numbers:

- Emergency 911
- Summit County Sheriff Dispatch 435-615-3600
- Summit County Animal Control 435-336-3200