

MUSTANG

DEVELOPMENT

October 4, 2021

Mayor Phil Rubin
Polly McLean, Town Attorney
Town of Hideout
10860 No. Hideout Trail
Hideout, UT 84036

VIA EMAIL: mayor@hideoututah.gov
 hideoututah@hideoututah.gov
 polly@peaklaw.net

Re: Zoning Map and MDA Property

Dear Mr. Mayor and Ms. McLean:

As you are aware, I am general counsel for Mustang Development, LLC. Recently, we have provided the Town with multiple rounds of comments regarding a few maps that were proposed to be adopted as the Town's official Zoning Maps. We appreciate that the Town's Planning Commission did not recommend adoption of the maps to which Mustang provided comments opposing their adoption. We also commend the decision by the Town's Staff not to submit an RSPA Density Pod map for voting by the Planning Commission or Town Council as part of the Zoning Map discussions.

I have previously communicated that we are also willing to confirm the proper RSPA Density Pod map and to communicate with the Town regarding that item and the zoning map. Ms. McLean sent me an email last week following up on these items, and I wanted to provide a formal update in advance of the next Planning Commission meeting. I'd like to address several items simultaneously.

First, conceptually, I'd like to confirm Mustang's agreement with the Town's staff that all of the MDA area should simply be designated as RSPA on the Town's official Zoning Map. In that respect, the Proposed Zoning Map dated 9/16/2021 that was included in the Planning Commission meeting packet took the proper approach. (However, as I commented at that meeting, there were other errors in that Proposed Map, such as the designation of certain non-RSPA property as Neighborhood Commercial without any zoning change having been approved for that property.) Designating all of the MDA property as RSPA accomplishes the Town's stated goal of having a correct zoning map while maintaining the flexibility of designations of density pod areas that were intended in the MDA and the Town's Vested Laws.

Second, pursuant to paragraph 19 of the Master Development Agreement, please consider this letter to be notice of Mustang's exercise of its option to include additional property contiguous to the MDA Property and within the Town boundaries as additional RSPA property. Mustang has acquired the property to the south of the Golden Eagle subdivision north of SR 248, which consists of multiple patented

mining claims.¹ The MDA provides that such property “shall be automatically included within this MDA at the option of Master Developer,” and that “such future property so added to this MDA shall be developed at the same density as provided for the property in the RSPA.” That property consists of 51.3 acres, which at the 1.5 ERUs/acre provided under the Vested Laws provides 77 ERUs of density. Mustang requests that the Planning Commission and Town Council, in finalizing the Zoning Map, include the additional property in the RSPA zoning. While we expect to submit development applications for that property in the near future, we currently refer to that Property informally as “Sunrise.”

Third, consistent with our discussions and the above designation of the additional Sunrise property, Mustang submits the attached document titled “2021.10.04 Mustang Density Pod Map Condensed.pdf.” This document serves multiple purposes. It confirms the RSPA zoning boundary and shows the Sunrise area as proposed for the same zoning. It also shows the Master Developer’s understanding of the density pods throughout the entire Town boundary. These density pods are consistent with what Mustang has submitted to the Town’s staff and relied upon since at least 2016, and with what the Town included in its General Plan in 2019. We propose to designate the newly added Sunrise area as Resort Village Medium Density (RVMD), in part because we anticipate that our development applications for that property will include some of the Resort Village elements such as retail and/or other commercial that the Town’s staff has inquired about.

I hope this document is helpful to the Town and its leadership and Staff. We look forward to continued development within the Town consistent with the map.

Sincerely,

A handwritten signature in black ink, appearing to read "JAC Fields", with a stylized flourish at the end.

Jared C. Fields, Esq.
Chief Legal Counsel
Mustang Development, LLC

¹ The parcels at issue are portions of the patented mining claims known as Star, Star No. 4, and Star No. 5, which have been owned by Raven Rock LLC, and Star No. 6, Star No. 7, Star No. 8 and Star No. 9, which Mustang has owned since 2018.