CONDITIONAL USE PERMIT LIST OF CONDITIONS FOR ROCKY VISTA UNIVERSITY

Description of Project

On November 2, 2015, Lance Freesh as agent of the current property owner SR FREESH-METRO, L.P., a California Limited Partnership ("Owner") and Tim Anderson as agent for ROCKY VISTA UNIVERSITY, LLC, ("RVU") a Colorado Limited Liability Company authorized to do business in Utah ("Applicant"), submitted an application for a Conditional Use Permit ("CUP") to construct and operate a College of Osteopathic Medicine and other related higher education facilities (the "Project" or "Concept Master Plan"). The proposed site consists of approximately 30 acres of land surrounding the existing Southern Utah Veterans Home – from the corner of 200 East and Center Street to 400 East up to 200 North (the "North Parcel" identified as Parcel # I-SB-16-A-1-A), as well as the acquisition and use of the property associated with the existing clinic (f/k/a Snow Canyon Clinic) located at 272 East Center Street (the "South Parcel identified as Parcel # I-SB-24-A-7) (collectively the "Property").

The First Phase of the Project allows the use of the existing "clinic building" on the South Parcel and the use of the west 10 +/- acres of the North Parcel at the corner of 200 East and Center Street for the construction and operation of a College of Osteopathic Medicine building, parking, internal roads, drainage, utilities and related components as set forth in the CUP Plans. The current zoning for the First Phase and for the South Property is Community Commercial (C-1) which is a Class IV Conditional Use that would be approved and finalized following a public hearing at the Planning Commission. The term "educational facility," as used in the Zoning Ordinance, includes facilities for higher education, whether private or public.

Additional buildings shown on the Concept Master Plan may be considered for construction in the future and could house various other RVU medical programs/services and possibly on-campus student and administrative housing as shown on the Concept Master Plan. Applicant is also considering the submission of applications for a Mixed Use Overlay and/or Subdivision approval to allow greater flexibility for future development/expansion on the Property.

General Conditions

1. The Project shall comply with the Ivins City Standard Specifications for Design and Construction.

2. The Project shall comply with all applicable requirements of the Ivins City Zoning Ordinance (Title 16 of the Ivins City Code), particularly chapters 11 (General Development Standards), 12 (Supplementary Development Standards), 18 (Multi-Family Residential Design Guidelines and Standards), 19 (Site Plan and Building Design Requirements), 20 (Off Street Parking and Loading), 21 (Signs), 22 (Landscaping and Outdoor Lighting), and 26 (Building Code and Building Permits).

3. The Project shall comply with all applicable Building and Construction Codes as adopted by

Ivins City in Title 14 of the Ivins City Code.

4. Before any grading begins or is allowed on the Property, a Site Construction Permit must first be obtained from the Ivins City Public Works Department and all conditions thereof must be strictly followed and complied with throughout the duration of such permit. Such permit shall not be granted until final construction drawings and drainage reports and/or other necessary technical studies have been approved, easements for public utilities have been granted and recorded, and a UPDES construction storm water permit has been obtained from the State of Utah.

5. The occupancy of the new building will not be granted until all site improvements are either installed or bonded in accordance with bonding policies established by the City's ordinances. All public improvements must be warrantied for the period of one year and protected by a 10 percent warranty bond in accordance with City bonding policies.

6. The Project must comply with all City Master Plans, including Transportation, Culinary Water, Secondary Water (Irrigation), Sewer, Storm Drain, Parks and Public Safety.

7. Applicant shall pay the City all applicable Impact Fees, unless some credit therefore is expressly set forth in Conditions Specific to this Project.

<u>Conditions Specific to this Project</u>

1. Closing. The granting of the Conditional Use Permit for the Project is specifically conditioned upon ROCKY VISTA UNIVERSITY completing the purchase of the Property and title reflecting RVU as owner.

2. Accreditation. The granting of the First Phase Conditional Use Permit is specifically conditioned on Applicant obtaining the necessary accreditations to construct and operate as a College of Osteopathic Medicine.

3. Presentation Materials. Applicant submitted with its CUP application a Site Plan, Elevations, Floor Plan, Concept Master Plan and related documents (hereinafter collectively referred to as "Presentation Materials"). The Planning Commission relied upon the Presentations Materials in granting the CUP for the First Phase of the Project. Except as modified by conditions expressly set forth herein, the First Phase of the Project shall be constructed in substantial compliance with the Presentation Materials, including the use of the materials and colors represented therein.

4. 200 North Improvements. Applicant shall dedicate right-of-way and install all 200 North Street improvements adjacent to the portion of property abutting 200 North pursuant to the General Conditions above.

5. 400 East Improvements. 400 East is a future minor collector roadway and shall conform to the standard cross-section of a minor collector. The specifics of the dedication of right-of-way 400 East and the payment of costs for installing the required improvements are set forth in a separate Development Agreement. This CUP is conditioned upon the Ivins City Council

approving the Development Agreement.

6. Center Street Improvements. The majority of street improvements have already been installed on Center Street. However, the Project shall install all required street lighting including the installation of bollards along Center Street. All required landscaping along Center Street shall be installed and maintained by the Applicant. Any additional rights-of-way that are required by Ivins City standards shall be dedicated including a space for a future bench and shade structure at the bus pullout. The Project shall replace the existing streetlight at the corner of 200 East and Center Street will the updated style. Ivins City will pay for the costs to remove the existing streetlight.

7. 200 East Street Improvements. The majority of street improvements have already been installed on 200 East. However, the Project shall install all required street lighting including the installation of bollards along 200 East.

8. Water Looping. A water main stub has been provided to the North Parcel from the southeast corner of the Southern Utah Veterans Home property. The Project shall install a connecting waterline from this stub to the water main that is to be installed on 400 East. The sizing of all water mains shall be determined by what is necessary from an engineering analysis of the piping network provided by the Applicant's engineer.

9. Drainage/Detention Basin. The applicant must provide a detailed hydrology study showing that the development does not discharge more storm water than per existing conditions in accordance with Ivins City Storm Drain Master Plan and Standards. Also, the hydrology study must identify proper sizing for storm drains and inlets to handle such events that will reflect in final construction plans to be approved by the City. In accordance with the recent Storm Drain Master Plan prepared by the City, the City is interested in installing a detention basin in the southeast corner of the Project that would also include space for detention from the Project. The Applicant shall provide the layout and design of the detention basin as well as granting an easement to the City for such basin. The details of the sharing of expenses for the easement and construction of the detention basin are set forth by separate agreement. The Applicant will landscape the detention basin and accept responsibility of maintaining the landscaping while the City will maintain the piping and structures.

10. Roundabout at 400 East/Center Street. The City has plans for a future roundabout at the intersection of Center Street and 400 East. The details concerning the dedication of right-of-way for the roundabout is set forth in the Development Agreement referenced above and requires approval by the Ivins City Council.

11. Sewer Connection. The sewer connection for the North Parcel shall be made at 400 East and Center Street.

12. Traffic Study. The traffic counts provided are sufficient to warrant a traffic study to be prepared. It is the responsibility of the applicant to provide this study and provide any traffic improvements as recommended by the approved traffic study, other than as specifically addressed in the Development Agreement.

13. Water System. The final design of the water system shall be dependent on network analysis and fireflow requirements established by the Fire Code.

14. Painted Exterior Doors. Applicant shall paint all exterior, non-glass doors and frames to a color that matches or at least blends with the exterior building color; in no event shall exterior doors be painted white.

15. Roof Color. The roof membrane, including any other visible items on the roof, shall be colored to blend with building colors. In no event shall any such materials be white.

16. Final Construction Drawings. The applicant must submit final site construction drawings with the final detailed drainage study and any other pertinent studies for City review and approval.

17. Public Improvements. All public utilities within the site must be located within a minimum 20 foot wide easement granted by the applicant to Ivins City. A construction permit will not be granted until the easement has been granted and recorded.

Recordation

This List of Conditions shall run with the land, and shall be binding upon all heirs, successors and assigns of the Owner (and the term "Owner", as used herein, shall include all such successors and assigns). This List of Conditions shall not be recorded in the Office of the Washington County Recorder, but the City or the Owner may record a notice of the existence of the Conditional Use Permit for the Project, advising interested third parties that additional information regarding the CUP and this List of Conditions may be obtained from Ivins City, and including the appropriate contact information for the City.

Breach of Conditions

Any failure of the Applicant to comply with any of the foregoing conditions shall entitle the City to withhold further permits for the Project until such conditions have been fully satisfied, modified by the City Council, or the City Council accepts a detailed plan to remedy the breach of the condition. This would be in addition to any other legal or equitable remedies the City may have.