CONDITIONAL USE PERMIT LIST OF CONDITIONS FOR THE WESTBROOK TOWNHOMES PROJECT

Description of Project

The property upon which the Project will be located is a .85 acre parcel described as Assessor's Parcel Number I-SB-36-K ("the Property") and is located on 200 South between 200 West and approximately 250 West. The Property is owned by Troy Nelson ("Owner"). The Property is zoned Multi-Family and the Project consists of two 3-plexes and one twin-home to be known as The Westbrook Townhomes Project (the "Project"). A multi-family townhouse project in a Multi-Family zone requires a Class IV Conditional Use Permit from the Planning Commission

Standard Conditions

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

2. The Project shall comply with all current 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); 20 (Off Street Parking and Loading- as recently amended); 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 Grading Permit must first be obtained from the Ivins City Public Works Department and all current conditions thereof must be strictly followed and complied with throughout the duration of such permit.

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

6. Applicant shall pay the City all applicable Impact Fees.

Conditions Specific to this Project

1. Incorporation of Presentation Materials. Owner submitted a set of Improvement Plans that are Owner's representations to the City and the public about what the Project will look like and what it will consist of. The Presentation Materials included a packet of documents consisting of the following: Cover Sheet; Erosion Control Plan & Details; Utility Plan; Grading Plan; Grading X-Sections & Details; Site Plan; Plan & Profile for 200 South; colored Elevations of the proposed structures; and Landscape Plans. The Presentation Materials show that the proposed structures will all be restricted to single story townhomes/twinhome.

The Planning Commission relied upon the representations made in the Presentations Materials in granting a Conditional Use Permit for the Project. Except as modified by conditions expressly set forth herein, the Project shall be constructed in substantial compliance with the Presentation Materials, including the materials and colors represented therein.

3. Curb, Gutter & Sidewalk. The existing curb, gutter and sidewalk adjacent to the Project on 200 South and 200 West must be installed per City requirements. (Concrete improvements on 250 W)

4. Street Pavement. All pavement, curb and gutter on 200 South adjacent to the Project is required to be installed per City requirements. If approved by the Ivins City Council, and in consideration for Owner not installing curb, gutter and asphalt on 250 West, Owner shall install certain off-site improvements listed below.

5. Off-Site (not adjacent to the Property) Improvements to 200 South. In lieu of the generally required curb, gutter and asphalt being installed adjacent to the west end of the Project, and conditioned on approval by the City Council, Owner may be allowed to install: 1) concrete improvements at and around the trench drain in the street/wash at approximately 250 West and a cross gutter that connects to the Sun Crest West Subdivision; and 2) complete all improvements to 200 South, including curb, gutter and asphalt on the south portion of that street. The costs of these off-site improvements shall be divided equally between Owner and Ivins City pursuant to the terms of the Agreement approved by the City Council.

Conditions Binding

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). In the event this List of Conditions isl not recorded in the Office of the Washington County Recorder, 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, including the appropriate contact information for the City.

Breach of Conditions

Any failure of the Owner 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.