BLACK DESERT RESORT AT ENTRADA CONDITIONS

Black Desert Resort at Entrada is a proposed Resort Commercial development on approximately 250 acres located in the southeast corner of Ivins City at approximately 3052 Snow Canyon Parkway (the "Property"). The Property is zoned Resort Commercial and RA-5, with approximately 6 acres that were recently added into Ivins City that need to have a land use and zoning district designated. The Project consists of a multi-phase development that will have three main components: open space and golf course; hotel and resort residences; and shopping, restaurants, and entertainment (the "Project"). A Resort use requires a class V Conditional Use permit ("CUP"). An application for a Class V Conditional Use Permit requires a recommendation from the Planning Commission before going to the City Council for a final decision. Since the golf course portion of the Project is located in a lava field, the Project is also required to receive a recommendation from the Sensitive Lands Committee. Under both State law and City code, conditional use decisions are administrative actions. Therefore, the Technical Review Committee (TRC) first reviewed the Project and considered the applicable standards for determining reasonable conditions set forth in section 16.16.107 of the Ivins City code. The TRC recommended the following reasonable conditions be imposed to mitigate reasonably anticipated detrimental effects of the Project (in no particular order).

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Standard 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), 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, including the City's current Outdoor Lighting ordinance (Chapter 10).

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 conditions thereof must be strictly followed and complied with throughout the duration of such permit.

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

6. All signage for the Project must comply with Ivins City Code, particularly as to size and any proposed lighting.

7. Construction hours for the Project must comply with Ivins City Code, particularly section

8.10.102.

Conditions Specific to this Project

1. Incorporation of Presentation Materials. The Project shall be constructed in substantial conformance with the presentation materials submitted to Ivins City for, and during the process of, CUP approval.

2. Sensitive Lands Conditions. (amending map to show Western Corridor and total disturbance area) Conservation easement for lava?

3. 10 inch waterline connection to 400 South near Cordero Drive to be constructed with Phase 1

4. Western Corridor. The Project shall submit a request for a General Plan amendment to revise the Transportation Master Plan and relocate the Western Corridor to the alignment as proposed by this development. The amendment request shall also review the 400 South connection and the proposal to convert the connection to a private roadway. The Western Corridor shall be dedicated to Ivins as part of Phase 1 pending a preliminary design provided by the developer showing a profile and grading plan for the corridor. The Project shall blast and excavate the Western Corridor to the agreed upon subgrade based on the preliminary roadway design as part of Phase 1. The construction of the roadway is anticipated to be needed by the development currently called the Retreat at Black Desert (120-acre property owned by SITLA). This Retreat at Black Desert shall be required to install three-lane facility lanes to Snow Canyon Parkway in accordance with the Transportation Master Plan along the corridor established by the Project per the approvals of the General Plan amendment.

5. Drainage studies. A Master drainage study for the entire buildout of the Project shall be submitted and reviewed by the City for approval. Applicant will then submit specific drainage studies for each Phase of the Project as the project is subdivided in accordance with the subdivision ordinance. The Master drainage study shall identify major storm drain pipe trunklines, required sizes, detention (if required) and locations where storm runoff is proposed to be directed into the fractured rock and lava tubes of the lava field. These locations must be tested for capacity to absorb storm water using a water truck. The applicant shall allow the City Engineer to observe these tests before approving the master study. Low Impact Development requirements shall be imposed after Phase 1.

6. Trail & Landscaping along Snow Canyon Parkway. These improvements will be installed with the Parkway Village Phase. A block wall will be optional in front of a business that fronts the Parkway

7. Trailheads & public access of trails. The existing tunnel under Snow Canyon Parkway will become public and maintained by the City when pedestrian access to the end of Phase 1 is installed and a legitimate public use is established for the tunnel. All other trails and trailheads shall be constructed with the Phase in which they are located. The trailheads may become public and maintained by the City once installed and accepted by the City unless the applicant desires to maintain control of the facilities while maintaining unfettered public access. The Project shall

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provide at minimum two trailheads. One for access shall be in the northeast corner of the project in the Parkway Village area, providing at minimum twenty public parking stalls and shall be considered a trailhead for Scout Cave Trail. The other shall be adjacent to the lava field in the Hideaway Village, providing at minimum twenty public parking stalls and shall be considered a trailhead to the lava field trails as proposed by the Project.

8. All buildings in the Project shall be sprinklered and have a FDC on each building at locations specified by the Fire Chief

9. Fire suppression hoods shall be installed for restaurant kitchens when required per building codes. Exhaust fans and other vents on the roof shall be screened from view and colored to match building colors, and not left as reflective.

10. Off-site employee parking and employee type housing are located in Santa Clara near the southern Santa Clara portion of the entire project (approximately 600 acres) that is located within Santa Clara. (Final approvals pending)

11. All large deliveries will be made to a location in Santa Clara near the southern Santa Clara portion of the entire project (approximately 600 acres) that is located within Santa Clara. (Final approvals pending)

12. Identification of public & private streets. This will be done as part of an amendment to the Transportation Master Plan (TMP). Any smaller streets not identified as public or private in the TMP will be identified by the Phase containing those streets. The proposed angled on-street parking, if the City determines to make the streets public, shall not be maintained by the City unless compensated by the Project is a fair manner to be determined at a later date.

13. Grading. No mass grading of the Project site will be allowed. Grading shall be contained within each phase to the maximum extent reasonably possible. Any additional disturbance that is needed by a phase under construction outside of the phase lines shall be restored and revegetated immediately (commenced within 20 days) after construction activities cease.

14. Onsite parking details & phasing. Applicant to submit request for smaller spaces in the parking structure.

15. All exterior lighting to be “Night Sky Compliant”, meeting City’s current lighting ordinance and compliant with IBC requirements for minimum foot candles in a parking lot.

16. Outdoor lights shall be reduced/dimmed after midnight to only security lighting.

17. Project entry / signage. Located on south side of horse roundabout.

17. The installation of utilities within the Project shall be addressed in the construction plans.

19. Any HVAC equipment on building roof tops shall be screened from view from public streets by parapets or approved mechanical screening compatible with the building architecture.

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20. Financial Security / Backing for the Project. In order to mitigate possible adverse consequences of a Project this size, type and critical location, and as a condition to issuance of the building permits for each phase of development, Applicant shall submit written evidence to the City that it has the financial resources, or commercially reasonable and reliable commitments from third party lenders and investors to provide such resources, sufficient to pay the costs of constructing such phase of the Project. Such evidence may include some or all of the following: construction/development loan commitments, agreements to provide equity capital for the project, written confirmation of Owner's financial resources designated for development of the Project, bonding commitments, letters of credit, non-refundable deposits from unit purchasers, and similar items. At the option of the City Council the responsibility to review and approve the sufficiency of financial resources may be assigned to an employee or advisor to the City that is acceptable to the City Council and to the Applicant, provided that in such event the Applicant shall have the right to appeal the decision of such person to the City Council. In connection with such review the Applicant shall not be required to submit financial information determined by Applicant to be proprietary or confidential. This requirement to provide financial assurances shall apply not only to Applicant, but to any other person or entity that may acquire the Property from Owner in the future and step into the legal position of the Owner as the developer of the Project.

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