RETREAT AT SNOW CANYON EAST CONDITIONS

Retreat at Snow Canyon is a proposed Resort Commercial development. The Retreat at Snow Canyon-East Resort consists of a total of 393 units on approximately 39.6 acres. The land use is RMU (Resort Mixed Use). The property is zoned RC (Resort Commercial). The Project consists of a resort hotel. 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. 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).

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.

3. 400 South Connection to Western Corridor and all underlying utilities shall be constructed with Phase 1.

4. A 12-inch pipeline is to be constructed by Black Desert Resort across this project to connect to Cordero Drive. If this project needs the pipeline to be installed prior to the Black Desert Resort needing the pipeline in order to obtain Certificates of Occupancy, then this project will be responsible to put in those needed portions of the pipeline.

5. Hamblin Parkway. The Hamblin Parkway shall be constructed with a minimum of 36 feet of asphalt roadway width to accommodate two 12-foot lanes and two 6-foot shoulders for bike lanes. Right-of-way shall be 111 feet wide to accommodate a future five-lane facility and 21-foot-wide landscape buffers. The project shall also install curb and gutter on the east/south side of the parkway. On the west/north side of the parkway the drainage facility shall be an armored drainage channel or curb and gutter. Left hand and right hand 12-foot-wide turn lanes shall be provided at all intersections which will require additional widening. Ten foot wide shared use paths shall be provided on both sides of the parkway. The developer shall provide the landscape buffer as required by City codes.

6. Off-site Extension of Hamblin Parkway. The Black Desert Resort shall excavate the Hamblin Parkway where it is located on their project property, prepare subgrades, and deliver and place all roadbase in preparation for this extension. The Retreat at Snow Canyon shall be responsible for all additional improvements to extend the roadway to the location where Black Desert Resort ends its required improvements to create a full connection to Snow Canyon Parkway including ten-foot-wide shared use paths and landscaping.

7. Roundabout at 400 South and Hamblin Parkway. The roundabout at 400 South and Hamblin Parkway shall be constructed as part of this project. Ivins City will credit Streets impact fees towards the project based on the difference in cost to construct the roundabout versus a standard intersection that would be needed to serve the project and community needs upon completion. The roundabout design will accommodate the potential for the Hamblin Parkway to widen to a five-lane facility without any curb relocations.

8. Roundabout at Hamblin Parkway and Red Mountain Drive shall be constructed as part of this project. Ivins City will credit Streets impact fees towards the project based on the difference in cost to construct the roundabout versus a standard intersection that would be needed to serve the project and community needs upon completion. The roundabout design will accommodate the potential for the Hamblin Parkway to widen to a five-lane facility without any curb relocations.

9. 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.

10. 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.

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

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

13. 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.

14. 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.

15. Prior to the issuance of any building permits, all building elevations shall be submitted to the Planning Commission for review and approval for compliance with the Ivins City Building Design Guidelines.