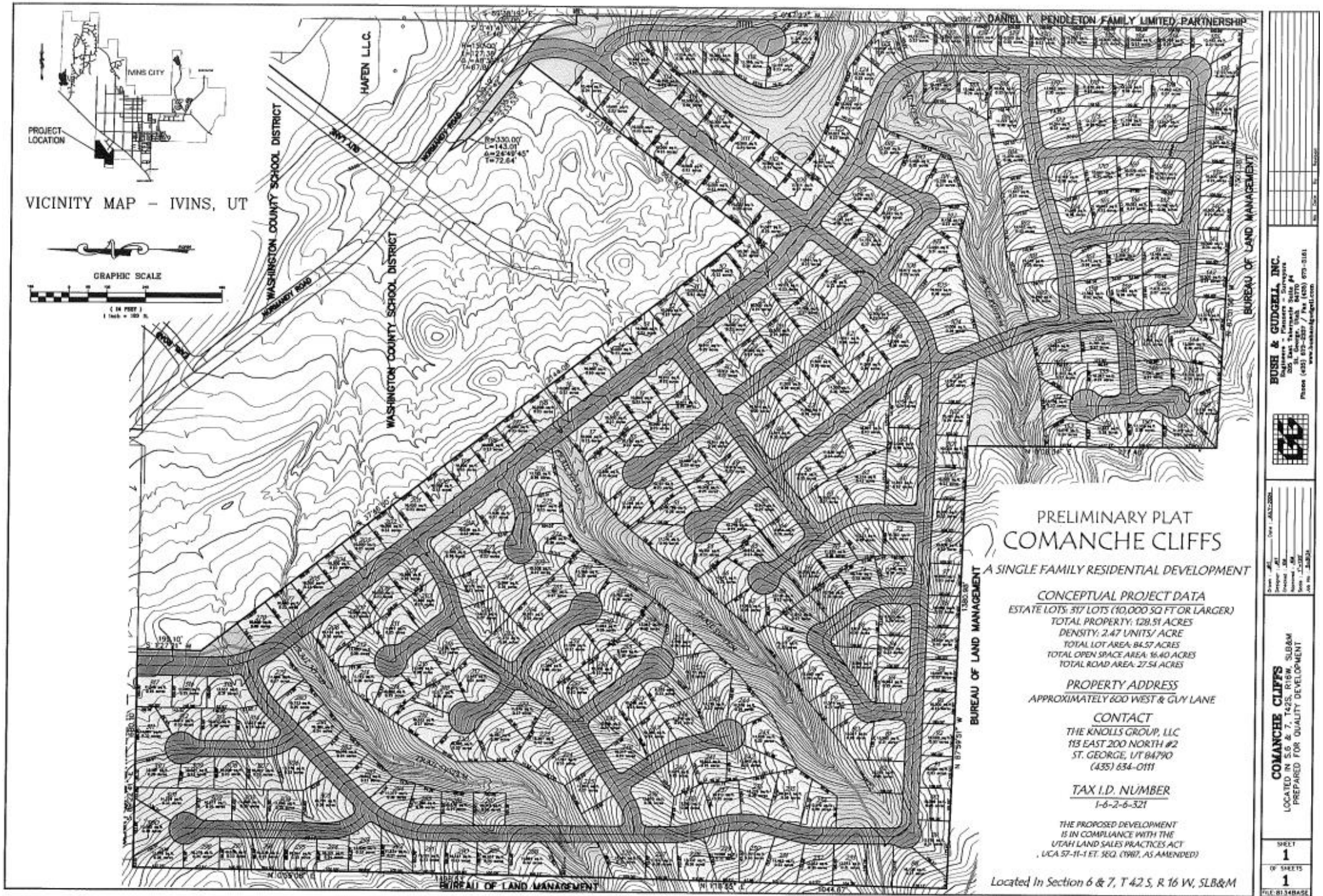
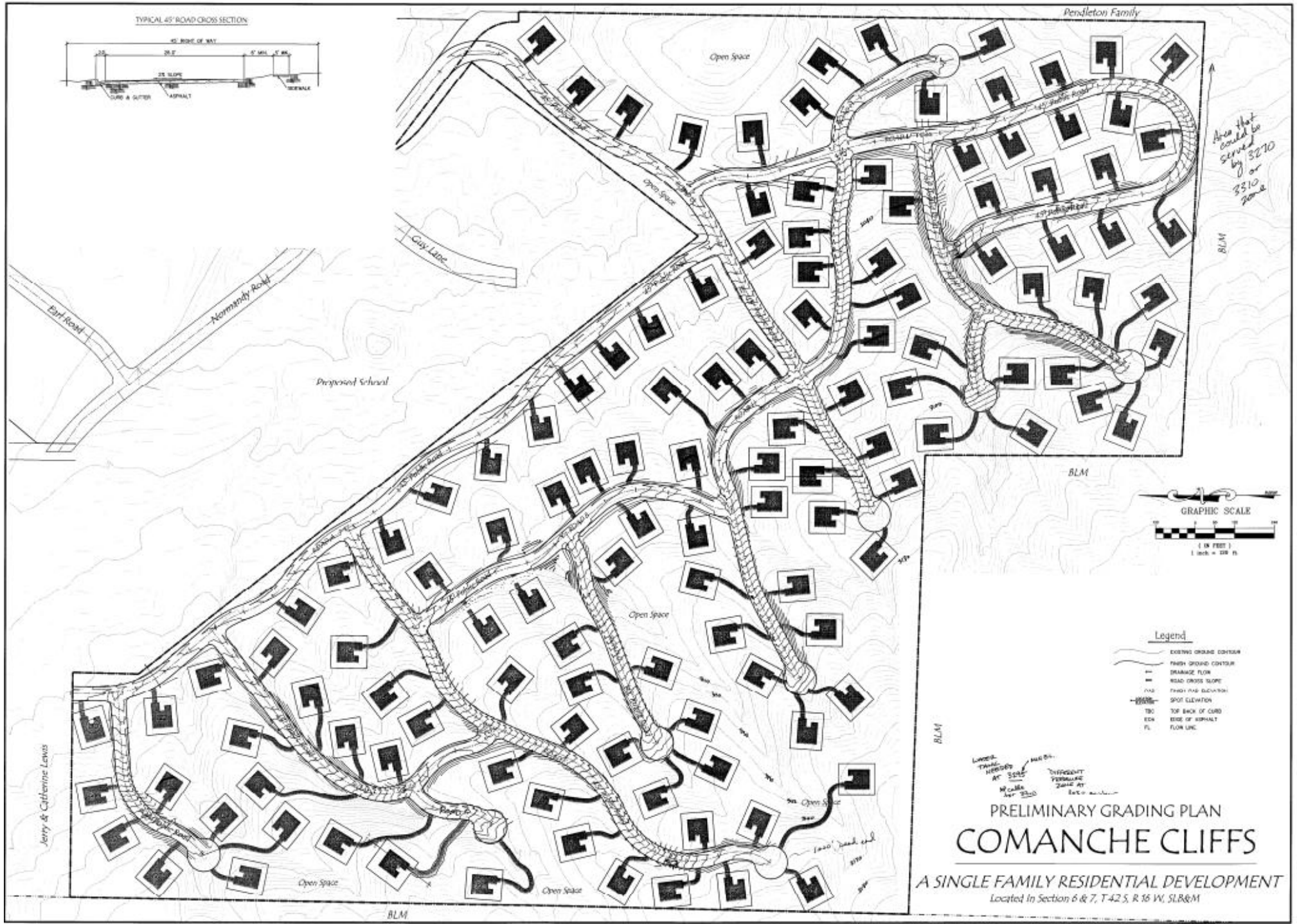
Commanche Cliffs

Settlement Agreement

Timeline

- June 2004, Zoning Administrator receives phone call inquiring about property. Caller was told that it was Low Density Residential with maximum density of 2.5 units per acre.
- July 30, 2004, City notices of a proposed Temporary Ordinance affecting hillside development.
- August 2, 2004, Developer submits concept plan application for approximately 300 lots over 120 acres.
- August 5, 2004, The City passed Ordinance 2004-20 establishing temporary regulations for development on hillsides.
- September 3, 2004, Developer files suit alleging invalidity of temporary ordinance.
- February 3, 2005, adopted Ordinance 2005-03 known as the sensitive lands ordinance.
- City accepts service of Summons & Complaint, Case No. 040501540, Quality Development LLC v. Ivins City
- City and Developer start negotiations to settle suit.
- August 14, 2006, City and Developer settle the suit with the “Settlement Agreement”


IVINS CITY
PROJECT LOCATION
VICINITY MAP - IVINS, UT
GRAPHIC SCALE
DANIEL F. PENDLETON FAMILY LIMITED PARTNERSHIP
HAFEN L.L.C.
WASHINGTON COUNTY SCHOOL DISTRICT
WASHINGTON COUNTY SCHOOL DISTRICT
KOSHARDY ROAD
KOSHARDY ROAD
BUREAU OF LAND MANAGEMENT
BUREAU OF LAND MANAGEMENT
BUREAU OF LAND MANAGEMENT
PRELIMINARY PLAT
COMANCHE CLIFFS
A SINGLE FAMILY RESIDENTIAL DEVELOPMENT
CONCEPTUAL PROJECT DATA
ESTATE LOTS: 317 LOTS (10,000 SQ FT OR LARGER)
TOTAL PROPERTY: 128.51 ACRES
DENSITY: 2.47 UNITS/ ACRE
TOTAL LOT AREA: 84.57 ACRES
TOTAL OPEN SPACE AREA: 16.40 ACRES
TOTAL ROAD AREA: 27.54 ACRES
PROPERTY ADDRESS
APPROXIMATELY 600 WEST & GUY LANE
CONTACT
THE KNOLLS GROUP, LLC
193 EAST 200 NORTH #2
ST. GEORGE, UT 84790
(435) 634-0111
TAX I.D. NUMBER
1-6-2-6-321
THE PROPOSED DEVELOPMENT IS IN COMPLIANCE WITH THE UTAH LAND SALES PRACTICES ACT , UCA 57-11-1 ET. SEQ. (1987, AS AMENDED)
Located In Section 6 & 7, T 42 S, R 16 W, SLB&M
BUSH & GUDGELL, INC.
COMANCHE CLIFFS
LOCATED IN S.6 & 7, T42S, R16W, SLB&M
PREPARED FOR QUALITY DEVELOPMENT
SHEET 1
OF SHEETS 1



FUSH & GUDGELL, INC.
Engineers - Planners - Surveyors
205 East Tabernacle Suite #4
St. George, Utah 84770
Phone (435) 673-2537 / Fax (435) 673-3161
www.fushandgudgell.com

COMANCHE CLIFFS
PRELIMINARY GRADING PLAN
LOCATED IN SEC 6 & 7, T42S, R16W, SL B&M

SHEET
1
OF SHEETS
1

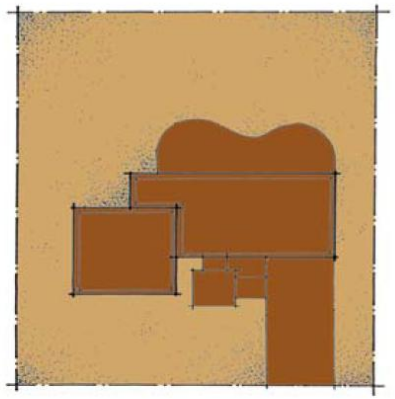
S.L.B.1340BASE

Sensitive Lands Ordinance Summary (Hillside Protection Only)

- Applies to slopes that are greater than 8%
- Maximum Building Heights – 18’
- Grading Restrictions
- Limits of Disturbance
- Streets must parallel natural terrain
- Modified Street Design Cross Section
- Limit Fill Heights to 3 vertical feet
- No retaining walls on fill slopes
- 3 feet max height on cut slope retaining walls

Limits of Disturbance

Figure 8-3
Limits of Disturbance Area



Limits of disturbance include all impervious surfaces and all areas of site disturbance and non-native vegetation. (Section 802-9[5]).

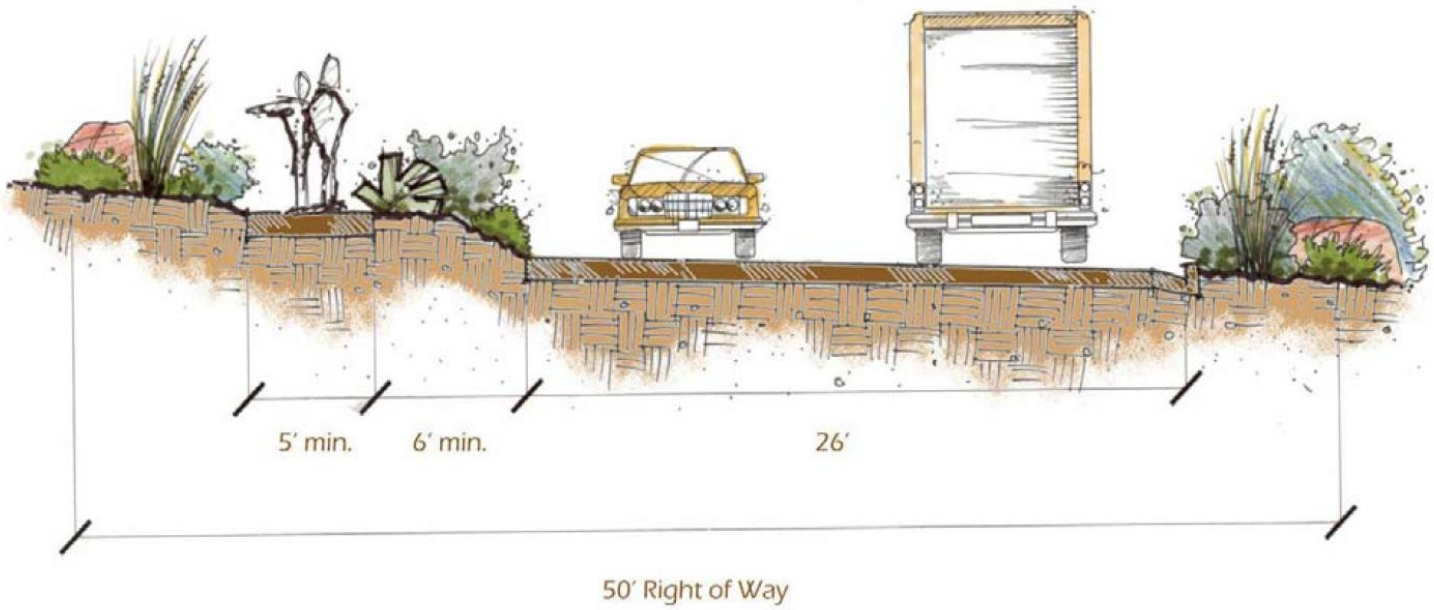
Table 8-3
Maximum Subdivision Lot or Parcel Limits of Disturbance

Average Lot Slope (Column A)	Maximum Limits of Disturbance Area (Column B)	Maximum Limits of Disturbance Area for Lots located in a Planned Development Overlay (PD) District (Column C)
Less than 8%	100%	100%
8% to less than 9%	45%	One Percent (1%) increase in the Maximum Limits of Disturbance Area (Column B) for each One Percent (1%) of Open Space Area being provided as identified by an approved Planned Development Project Plan.
9% to less than 10%	40%	One Percent (1%) increase in the Maximum Limits of Disturbance Area (Column B) for each One Percent (1%) of Open Space Area being provided as identified by an approved Planned Development Project Plan.
10% to less than 11%	35%	35%
11% to less than 12%	30%	30%
12% to less than 13%	25%	25%
13% to less than 14%	20%	20%
14% to less than 15%	15%	15%
15% or greater	10%	10%

Sensitive Lands Cross Section

Figure 8-2
Modified Street Cross Section

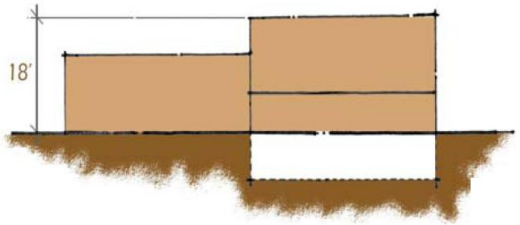
On slopes equal to, or greater, than 8% a modified street cross section is required (See Section802-9[3]).



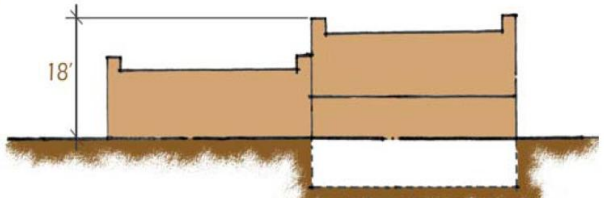
Maximum Building Height

Figure 8-4
Maximum Building Height

Maximum building height is measured to the highest point of a building from the natural or finished grade, whichever is lower, which shall not exceed eighteen (18) feet. (Section 802-9[6]).



Flat Roof with Parapet Wall



Pitched Roof

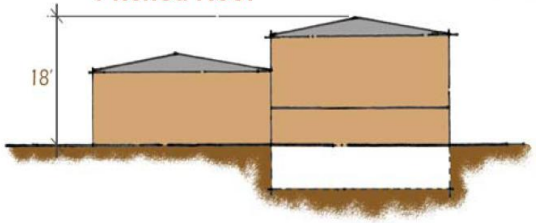
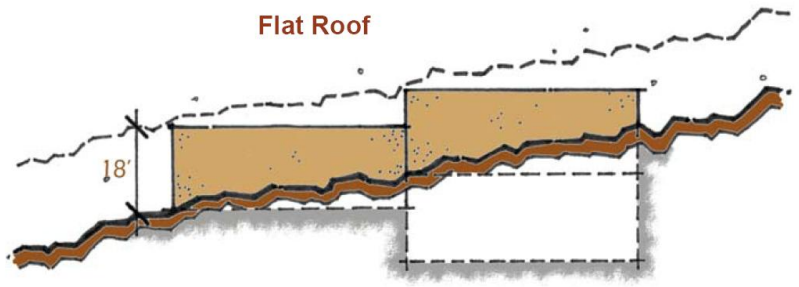


Figure 8-5
Building Heights

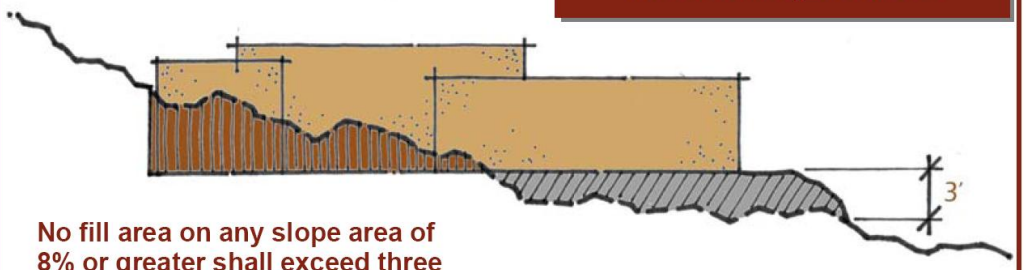
Flat Roof



Building heights shall follow the natural grade of the site, not exceeding eighteen (18) feet from the adjacent natural or finished grade, whichever is lower.

Grading Restrictions

Figure 8-7
Fill Area Requirements



No fill area on any slope area of 8% or greater shall exceed three (3) vertical feet from natural grade.

Figure 8-11
Stacking of Retaining Walls Prohibited

Retaining walls shall not be terraced or stacked to increase the height of any retaining wall, or series of retaining walls, greater than three (3) feet, from the natural or finished grade, whichever is lower.

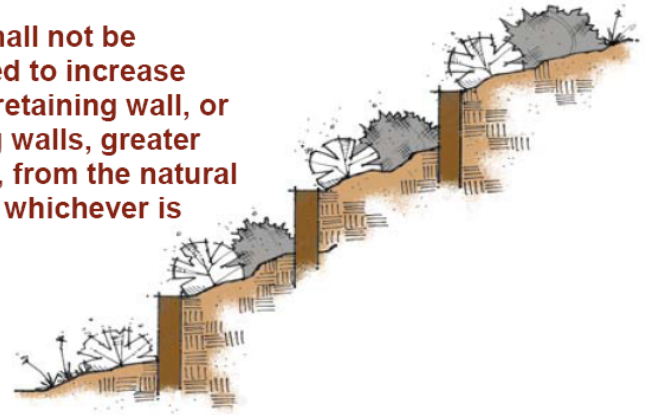
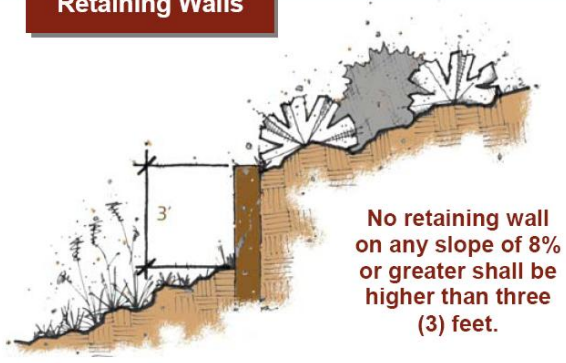
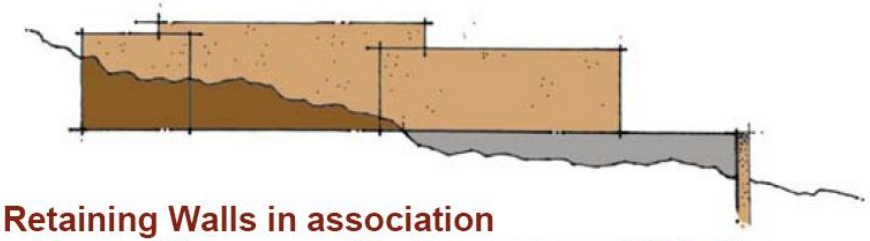


Figure 8-10
Retaining Walls



No retaining wall on any slope of 8% or greater shall be higher than three (3) feet.

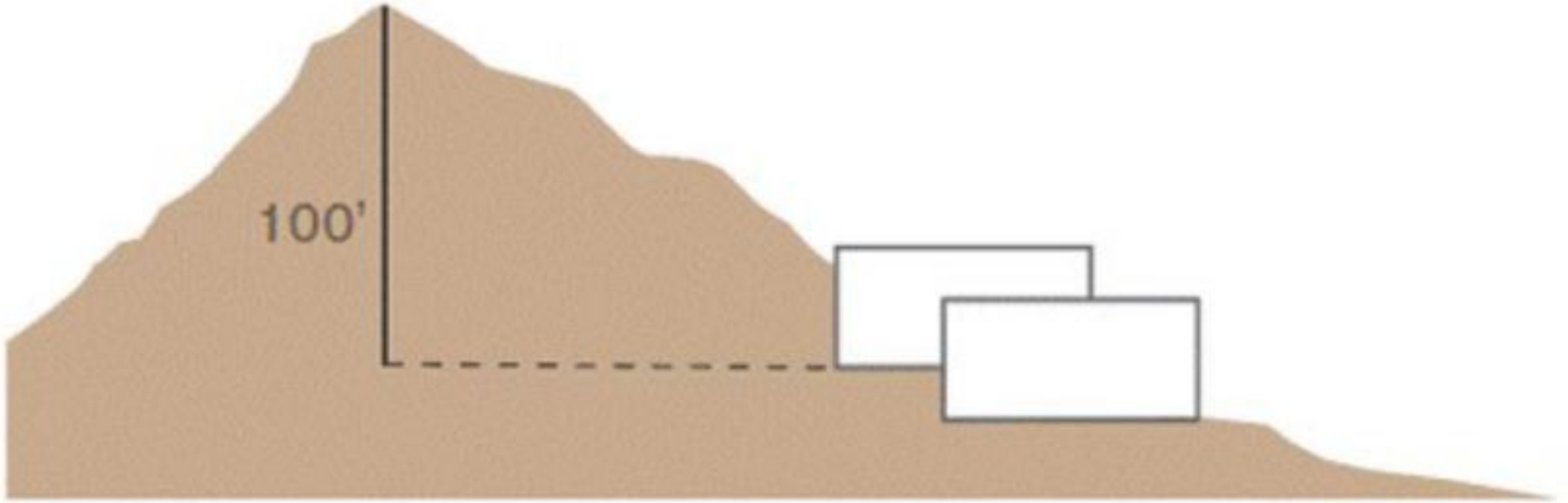
Figure 8-9
Retaining Walls on Fills Prohibited



Retaining Walls in association with any fill areas or fill slopes are prohibited.

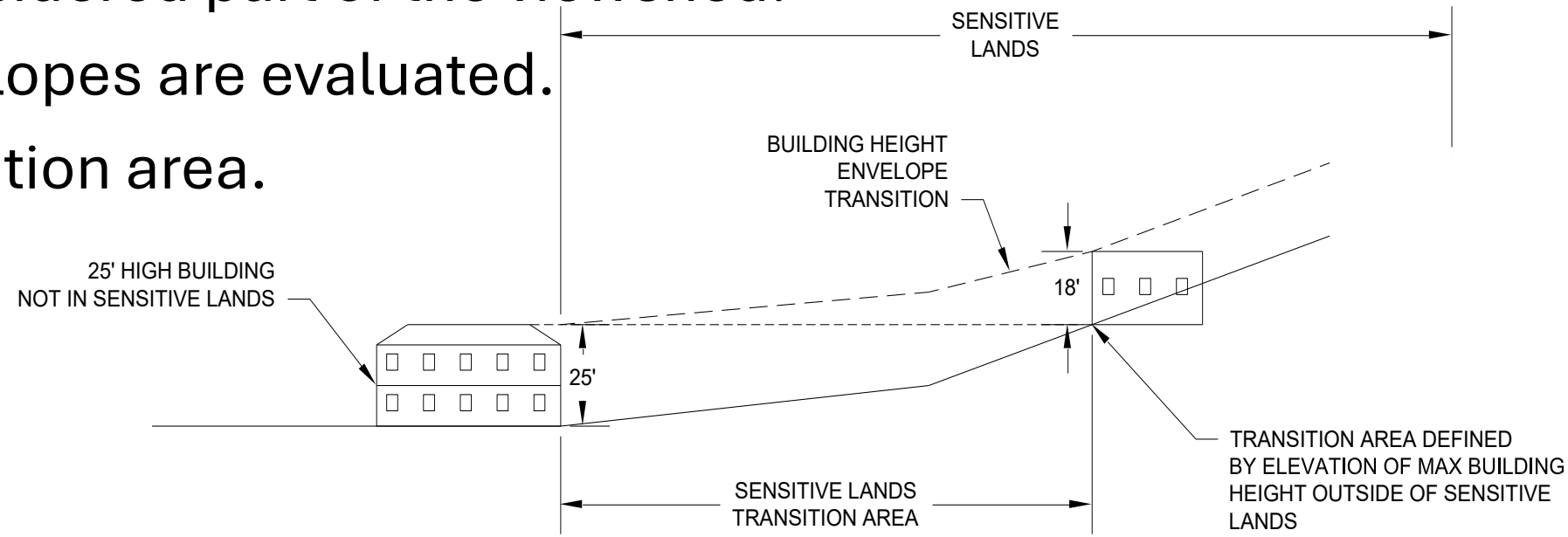
Ridgeline Protection

FIGURE 8-14
CLASS A RIDGELINE PROTECTION OF LANDHILL.



2014 Revisions to Sensitive Lands Ordinance

- Removed any areas that are not Low Density Residential to a new standard.
- Removed areas that areas that might meet slope requirements but are not considered part of the viewshed.
- Changed how slopes are evaluated.
- Created a transition area.



Provisions of the agreement – Slide 1

- Site Plan adopted and limits density to 130 lots.
- Open Space identified.
- Ridgeline protection (100 vertical feet) was waived since homes would not project above ridgeline.
- Maximum Limits of disturbance limited to 15,000 square feet, with additional 1,500 square feet if needed to mitigate cuts and fills.

Provisions of the agreement – Slide 2

- Minimize Mass
  - Variety of Facades required. Assymetry, irregular, frequent breaks.
  - No more than 50% of any two story element may be exposed. Screened with vegetation or berms, fences do not count as screening.
  - Maximum building Height. Nine foot basement and nine foot first story maximum.
  - Max roof pitch is 4 over 12 and must be hipped or flat.

Provisions of the agreement – Slide 3

- Fences and Walls
  - No retaining walls greater than 3 feet.
  - No terraced retaining walls allowed.
  - Fence walls must match terrain and blend.
- Street alignments and design must match the plan.
- Cuts and fills must be minimized.
  - Screen cuts preferred over fills.
  - Cuts and fills should be recontoured to match native terrain.

Provisions of the agreement – Slide 4

- Landscaping and Revegetation
  - Must be designed and reviewed at the subdivision approval.
  - Must be native and drought tolerant.
- Development Plan
  - Development of the Subdivision
  - Development of CCRs
  - Development of Design Guidelines