

**CONDITIONAL USE PERMIT # 06-00600005**  
(Issued pursuant to Chapter 7 of the Uniform Zoning Ordinance of Tooele County)

***Facts***

1. The operation is a ready-mix batch plant, no earthwork is planned to take place.
2. The property owner is Roger Brockbank, and the applicant is Tyler Winn
3. No residential structures are located near the site.
4. The hours of operation are Monday-Friday 7:00 a.m. to 5:00 p.m. and Saturday 7:00 a.m. to 1:00 p.m.
5. The property was rezoned on April 17, 2007 to the MG-EX zone.

***Decision and conditions issued***

I, the Tooele County Zoning Administrator, do hereby GRANT this Conditional Use Permit for Roger Brockbank to use the property known as or described as: PLOMO No. 6, PLOMO No. 5, PLOMO No. 17, PLOMO No. 16, PLOMO No. 11, PLOMO No. 10. in the Rush Valley Mining District, Tooele County, Utah.

for the following purpose: concrete ready-mix batch plant.

Due to the unique characteristics of the use of the property or the potential impact on the county, surrounding neighbors or adjacent land, to mitigate or eliminate the detrimental impacts and for protection of adjacent properties and the public welfare (see Sections 7-1 and 7-5 of the Uniform Zoning Ordinance of Tooele County), we hereby find it necessary to and do hereby impose the following conditions, which must be complied with to establish and continue the use:

(1) warning signs, fences, trees, or berms shall be placed on the perimeter of the property to protect the public and act as barriers to access, fugitive dust, noise, glare, and/or view shall be indicated;

(2) no adverse drainage which would create soil instability or erosion shall be permitted. All drainage shall be contained on site;

(3) Should any earthwork take place, the maximum slopes shall be in accordance MSHA;

(4) Should any earthwork take place, the applicant shall post a reclamation guarantee for the area of disturbance giving financial assurance in a form approved by the Tooele County, guaranteeing the satisfactory reclamation of all disturbed areas. The amount of reclamation shall not be less than \$1,000.00 per acre, with a \$10,000.00 minimum and shall be adjusted upon the renewal of the operations plan to meet projected costs of reclamation based upon time, material and equipment needed to clean-up and remove structures, backfill, slopes (to include mine dumps) shall be graded to no greater than a 3:1 finished slope or in relation to the contour of adjacent undisturbed land, contour, redistribute and stabilize topsoil, re-vegetate, monitor, and reseed if necessary. The release of the financial assurance and obligations for reclamation shall not be made until the Department of Engineering consults with the Soil Conservation District, Tooele

County Attorney and approves the release in writing.

(5) all facilities and activities shall comply with applicable land use, health, building, plumbing, mechanical, and electrical codes. All structures erected, placed, built, or installed shall have a building permit;

(6) all fuel tanks and flammable materials shall be located above ground, in such locations, with containment, and under such conditions as to conform to the requirements of the national fire codes (NFPA);

(7) all crossing of state and county roads shall be done in such a manner as to hold Tooele County harmless from any and all legal proceedings as a result of the applicant's use of such roads. The applicant shall make provisions to place suitable road signs, restraints and flagging personnel at work-sites and road crossings as approved by the Manual on Uniform Traffic Control Devices and the Department of Engineering;

(8) all damage to state and county roads shall be repaired at the applicant's expense under the direction of the Department of Engineering;

(9) the applicant shall maintain on file, proof of liability insurance for the operation in the Department of Engineering;

(10) Tooele County reserves the right to limit and restrict the time activities of the operation should the planning commission deem those activities are a public nuisance;

(11) the owner or operator shall install such improvements to access Highway 36 that are required by UDOT.

(12) all activities shall be maintained and operated in such a way as to minimize fumes, dust, and smoke emissions;

(13) sufficient restroom facilities shall be provided at each location for employee use;

(14) If any earthwork takes place the applicant shall not begin operations until such time that they enter into a mitigation agreement with Tooele County addressing the upgrade, construction and maintenance of infrastructure;

(15) the storm water prevention plan shall be filed with the Department of Environmental Quality and kept up to date as the operations expand into newly cut areas;

(16) process water shall be perfected on site or hauled in;

(17) all signs the applicant places along the public use road shall comply with the Manual of Uniform Traffic Control Devices, current version;

(18) an Air Permit from the Department of Environmental Quality shall be filed with the Engineering Department before operation begins.

Failure of the permittee to observe any condition specified herein may result in revocation of this permit (Section 7-13). Unless there is substantial action under this permit within one year of its issuance, the permit expires (Section 7-10). The zoning administrator will make periodic inspections to insure compliance with all conditions imposed (Section 7-9).

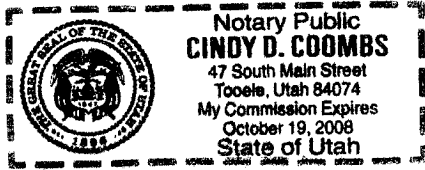
Any person aggrieved by a decision of the planning commission or the zoning administrator regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the board of county commissions within 30 days of the date of the decision appealed from (Section 7-8).

Dated this 15th day of May 2007

Dyan Johnson  
Tooele County Zoning Administrator

State of Utah )  
                  ) s.s  
County of Tooele)

Subscribed and sworn before me this 15th day of May 2007



Cindy D. Coombs  
Notary residing in Tooele County

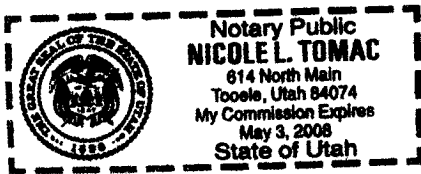
My Commission expires Oct. 19, 2008

I, the above-named Applicant, do hereby accept the foregoing conditions and agree to abide by all of them.

Dated this 15 day of MAY, 2007.  
[Signature]  
Roger Brockbank

State of Utah )  
                  ) ss.  
County of Tooele )

Subscribed and sworn before me this 15 day of May, 2007.



Nicole L Tomac  
Notary residing in Tooele UT

My Commission expires 5/3/08