

RECORDED AT THE REQUEST OF:  
Millard County Planning and Zoning Dept.  
P. O. Box 854  
Delta, Utah 84624

RETURN RECORDED DOCUMENT TO:  
Millard County Clerk  
765 South Hwy 99, Suite 6  
Fillmore, Utah 84631  
Return copy of document to applicant

**MILLARD COUNTY PLANNING AND ZONING COMMISSION**  
**CONDITIONAL USE PERMIT**  
**June 7, 1999**

APPLICANT: CIRCLE FOUR FARMS & CIRCLE FOUR REALTY  
341 South Main  
Milford, Utah 84751

PROJECT: Brood Stock Isolation Facility

REFERENCE: C-99-022

The Millard County Planning and Zoning Commission, pursuant to the authority and procedures provided in Chapter 17 of the Millard County Zoning Ordinance Number 78, hereby grants a Conditional Use Permit to CIRCLE FOUR FARMS, hereinafter referred to as the "Grantee". This permit allows the Grantee to build, install, maintain, repair, replace and make betterments to a breeding stock isolation and quarantine facility of no more than 270 head capacity, and shall include all buildings, fixtures, and equipment necessary, whether directly or indirectly, to the function of this project.

The project shall be located in the area of Millard County which lies north and west of the south Kanosh Interstate Freeway interchange, and is more specifically located as follows:

The Northeast quarter of the Northeast quarter of Section 15, Township 23 South, Range 6 West, SLB&M.

00127200 BK 00344 P3 00853-00857  
MILLARD COUNTY RECORDER - LINDA S CARTER  
1999 AUG 04 09:23 AM FEE \$18.00 BY BRW  
REQUEST: MILLARD CO BUILDING INSPECTOR/P

This Conditional Use Permit is subject to the Grantee being in compliance with the terms and conditions stated below:

A. WORKER SAFETY

Millard County is concerned for the safety of all who are part of the work force working in Millard County, therefore, the Grantee shall:

1. Implement safety programs as required by OSHA for this type of operation.
2. Submit to the Millard County Risk Management Office, a copy of all OSHA accident reports for incidents which occur onsite, indicating cause of the accident and what steps will be taken to prevent future recurrence of the incident.

B. LAW ENFORCEMENT AND PROJECT SITE SECURITY

The Grantee shall:

1. Be responsible for its own site security.
2. Provide to Millard County, a site layout showing all access points and onsite routes that would be helpful or needed by any emergency personnel and equipment called to the site for emergency purposes.

C. COUNTY ACCESS TO PROJECT SITES

For the purpose of continued communication and continued inspection for compliance with this conditional use permit, Grantee shall allow authorized county officials reasonable right to access of the project sites during normal business hours. County Officials shall notify the Grantee before accessing the site, and will be accompanied by project personnel while on site. Millard County acknowledges that there are certain restrictions placed on such visits and therefore agrees to comply with normal procedures which are meant to insure that bio-contamination does not occur.

D. DISPOSAL OF WASTE PRODUCTS

Due to the high probability that undesirable environmental impacts may result if certain procedures are not followed, the Grantee shall:

1. Provide the Millard County Planning and Zoning Commission with certified approval of all plans for the handling and disposal of all waste materials generated at this facility, from both the Utah Division of Water Quality and the Central Utah District Board of Health.
2. Follow the plans as certified.

3. Have the well water tested for water quality by a state approved laboratory, the results of which shall be recorded with the county and used as a basis for future comparisons to determine the impact of this facility on the underground water quality.

E. FAILURE TO COMPLY WITH CONDITIONS

Upon the occurrence of an event of default, (as hereinafter defined), this permit will be subject to revocation proceedings by the County. Any such revocation shall afford the Grantee:

1. Full and complete due process.
2. An opportunity to be fully heard and respond to any charges that an event of default has occurred. As used herein, the term "Event of Default" shall mean the failure to observe or perform any condition of this permit, after written notice specifying such failure and requesting that it be corrected, has been given by County to the Grantee. Notwithstanding the proceeding sentence, no such failure will be or become an event of default if, after receipt by the Grantee of aforementioned written notice, the Grantee shall institute or cause to be instituted within a reasonable period of time, which in no event shall exceed ninety (90) days, action reasonably designed to correct such failure which shall be diligently pursued until such failure is corrected.

F. NOTICE

All notices under this Conditional Use Permit may be given by the United States registered or certified mail and notice by such mail shall be deemed given when deposited in the mail with postage prepaid and addressed as herein provided. Notice by the County to the Grantee shall be addressed:

Name: Erik Jakobsen  
Address: 341 So. Main Street  
City/State: Millford, Utah 84751

Phone: (435) 387-2107  
Fax: (435) 387-2530

Notice by Grantee to the County shall be addressed to:

R. Leon Smith  
Millard County Planning and Zoning Administrator  
P. O. Box 854  
Delta, Utah 84624

Phone: (435) 864-1407  
Fax: (435) 864-1404

Either party may, from time to time, change the address which it desires used and upon written notice to the other party, such change of address shall be deemed inserted herein in the place of the previous address stated.

G. SEVERABILITY

Should any portion or portions of this permit become inoperable by operation of law or otherwise, the remainder hereof will continue in full force and effect.

H. ASSIGNMENT

This permit shall be freely assignable by the Grantee and all successors, assigns and transferees of the property subject to this permit, and the facilities found thereon, shall be bound by this permit and primarily responsible for the compliance with the terms and conditions thereof. Millard County shall be notified within one calendar month of transfer of property.

I. EFFECTIVE DATES

The conditions contained herein were voted on and approved by the Millard County Planning Commission at a regular scheduled meeting held on the 3rd day of May, 1999. This permit shall become effective upon execution by a duly authorized representative of Grantee and the Chairman of the Millard County Planning Commission, and shall remain in full force and effect for the life of the project, unless the permit is revoked for the failure of the Grantee to comply with the conditions stated herein, as provided for in Section E of this permit. In the event that work on this site does not begin before the passing of one year's time from the effective date, this conditional use permit shall default and become null and void, unless application for extension is applied for and granted by the Millard County Planning Commission.

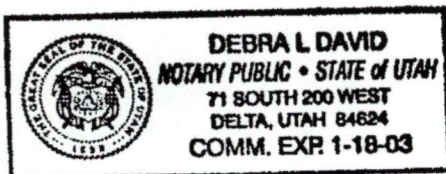
Millard County Planning and Zoning Commission

By Robin Smith 8 2-99  
Chairman of the Board Date

Subscribed and sworn to before me this 2nd Day of August, 1999 By

Robin Smith

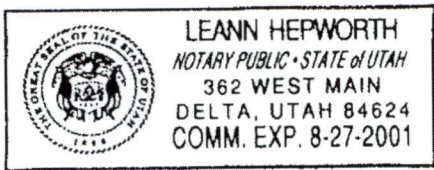
Debra L. David  
Notary Public



00127200 Bk 00344 Pg 00856

~~Warren A. Peterson~~ Warren A. Peterson 14 July 1999  
Circle Four Farms Date  
Legal Counsel

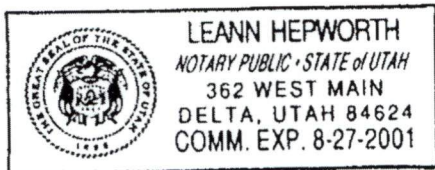
Subscribed and sworn to before me this 14<sup>th</sup> Day of July, 1999 By  
Warren A. Peterson



Leann Hepworth  
Notary Public

Warren A. Peterson 14 July 1999  
Circle Four Realty Date  
Legal Counsel

Subscribed and sworn to before me this 14<sup>th</sup> Day of July, 1999 By  
Warren A. Peterson



Leann Hepworth  
Notary Public