

KIRK MATTHEWS
P.O. Box 1396
GRANTSVILLE UTAH
84029

Ent: 277712 - Pg 1 of 4
Date: 2/8/2007 6:50 AM
Fee: \$18.00 Check
Filed By: MT
CALLEEN B PESHELL, Recorder
Tooele County Corporation
For: Matthews Kirk Lawrence

CONDITIONAL USE PERMIT # 06-00600005

(Issued pursuant to Chapter 7 of the Uniform Zoning Ordinance of Tooele County)

Facts

1. The operation is a sand and gravel excavation with a batch plant operation on site.
2. No residential structures are located near the site.
3. The predominant land is grazing to the south and west and the Tooele Army Depot is directly north and east of the site.
4. A disturbance of 17.95 acres of land exists from previous operations prior to the land use ordinance taking effect.

Decision and conditions issued

I, the Tooele County Zoning Administrator, do hereby GRANT this Conditional Use Permit for A & J Matthews Properties Llc to use the property known as or described as:

A parcel of land located in the South Half of Section 35, Township 3 South, Range 6 West, Salt Lake Base and Meridian, and the Northeast Quarter of Section 2, Township 4 South, Range 6 East, Salt Lake Base and Meridian, Tooele County, Utah described as follows:

BEGINNING at a 2006 Tooele County brass cap marking the East Quarter Corner of Section 35, Township 3 South, Range 6 West, Salt Lake Base and Meridian, said East Quarter Corner being North 89°41'25" East 5329.56 feet from a 2006 Tooele County brass cap marking the West Quarter Corner of said Section 35, Said West Quarter Corner being North 86°58' 16" West 92.50 feet from a Schuchert & Associates aluminum cap and running thence along the east line of said Section 35 South 01°22'19" East 2,709.99 feet to a 2006 Tooele County brass cap marking the Southeast Corner of said Section 35; thence along the east line of Section 2, Township 4 South, Range 6 West, Salt Lake Base and Meridian South 00°23'05" West 1,081.02 feet to an existing Tooele County Surveyor rebar and cap; thence along the following sixteen courses as monumented by additional existing Tooele County rebar and caps: North 73 ° 15'21 " West 38.93 feet, North 54°00'54" West 316.02 feet, North 44°11'48" West 123.24 feet, North 35°09'32" West 226.13 feet, North 24°38'43" West 213.03 feet, North 34°45'11" West 371.76 feet, North 23°38'10" West 287.29 feet, North 41°03'11" West 185.36 feet, North 16°14'38" West 138.39 feet, North 38°44'17" West 141.15 feet, North 33°26'11" West 167.61 feet, North 22°52'22" West 188.55 feet, North 41 °16'30" West 277.84 feet, South 85°19'33" West 430.66 feet, North 23°34'59" West 1,221.23 feet, and North 07°19'10" West 559.82 feet to the eastwest center section line of said Section 35; thence along said east-west center section line North 89°41'25" East 2,454.30 feet to the POINT OF BEGINNING.

Part of 3-67-1

Containing 5,517,655 square feet or 126.668 acres.

✓ **TOGETHER WITH** a 60.00 foot wide ingress and egress easement located in the South Half of Section 35, Township 3 South, Range 6 West, Salt Lake Base and Meridian described as follows:

✓ **BEGINNING** at a point on the centerline of Mormon Trail Road, said point being North 89°41'25" East 1,205.11 feet along the east-west center section line from a 2006 Tooele County brass cap marking the West Quarter Corner of Section 35, Township 3 South, Range 6 West, Salt Lake Base and Meridian, said West Quarter Corner being South 89°41'25" West 5329.56 feet from a 2006 Tooele County brass cap marking the East Quarter Corner of said Section 35, said West Quarter Corner also being North 86°58'16" West 92.50 feet from a Schuchert & Associates aluminum cap and running thence along said east-west center section line North 89°41'25" East 1,670.15 feet to a Tooele County Surveyor rebar and cap, from which Tooele County Surveyor rebar and cap a 2006 Tooele County brass cap marking the East Quarter Corner of said Section 35 bears North 89°41'25" East 2,454.30 feet; thence along a course as monumented by an additional Tooele County Surveyor rebar and cap South 07°19'10" East 60.45 feet to a point being 60.00 feet perpendicularly distant southerly from said east-west center section line; thence parallel with said east-west center section line South 89°41'25" West 1,666.48 feet to said centerline of Mormon Trail Road; thence along said centerline of Mormon Trail Road North 10°44'17" West 61.01 feet to the POINT OF BEGINNING.

Part of 3-67-1

Encompassing 100,096 square feet or 2.298 acres.

for the following purpose: Sand, gravel excavation and 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) maximum slopes shall be in accordance MSHA;

(4) other than the 17.95 acres that was previously disturbed, 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, revegetate, 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 the Mormon Trail Road, to include acceleration, deceleration and left turn lanes as approved by the County Engineer by July 1, 2007;

(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) 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).

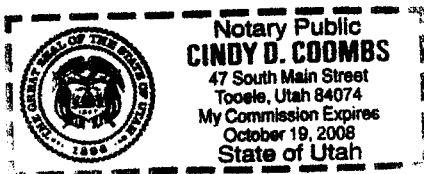
Any person aggrieved by a decision of the planning commission or the zoning administrator regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the board of county commissions within 30 days of the date of the decision appealed from (Section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

Dated this 7th day of February 2007


Tooele County Zoning Administrator

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

Subscribed and sworn before me this 7th day of February, 2007



Cindy D. Coombs
Notary residing in Tooele County

My Commission expires Oct. 19, 2008

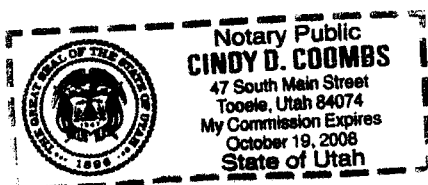
I, the above-named Applicant, do hereby accept the foregoing conditions and agree to abide by all of them.

Dated this 7 day of February, 2007.

Karl Matthe
Applicant

State of Utah)
) ss.
County of Tooele)

Subscribed and sworn before me this 7th day of February, 2007.



Cindy D. Coombs
Notary residing in Tooele County

My Commission expires Oct. 19, 2008