

Pursuant to Utah County Ordinance No. 2000-08,
the following decision of the Utah County Board of
Adjustment is recorded relative to the subject property.

ACTION BY BOARD OF ADJUSTMENT

Appeal No. 1395 Applicant: PECK ROCK & PRODUCTS, LLC

SPECIAL EXCEPTION

When the Board of Adjustment acts under its power to hear and decide requests for special exceptions, the Board shall comply with all the rules and standards of the Utah County Zoning Ordinance as found in Section 7-21.

The request of **Peck Rock & Products LLC** for a special exception for a commercial, public, class VI landfill in clay pits located at 11,291 West 5,555 North (Saratoga Springs area) in the M&G-1, Mining and Grazing Zone is **GRANTED** based on the following motion:

That the application by Peck Rock & Products LLC, Appeal No. 1395, for a special exception to approve a commercial, public, class VI landfill in clay pits, be approved based on the following findings and conditions:

Findings:

1. That the granting of the special exception will not degrade the public health, safety or welfare for three reasons:
 - a. That by granting the application we eliminate a nuisance.
 - b. That it will provide a needed landfill.
 - c. That the operation of this landfill will provide needed income for educational purposes.
 - d. That the safety concerns in 7-21-C-1 are being dealt with by the implementation of various conditions of approval.
2. That granting the special exception will be consistent with general purposes, and with the characteristics and purposes of the general plan because this is a permitted special exception in the Mining and Grazing Zone.
3. That granting this special exception is consistent and compatible with the public interest for the reasons listed in finding #1.
4. That local property values will not be adversely affected because those who have purchased property in the area purchased it with the knowledge that there was some form of existing landfill in the area; and also because as this operation is eliminated and the project is reclaimed, it will be a benefit to the community.

5. That in granting the special exception the Board is complying with the terms and requirements of the Utah County Zoning Ordinance and supplemental regulations of said ordinance have been referenced.
6. That by granting this special exception there is no evidence that a situation will be created which is cost ineffective, administratively infeasible, or makes it unduly difficult to provide essential services of the kind described in the zoning ordinance.

Conditions:

1. Peck Rock will, at their own expense, maintain the county road, approximately .9 miles, and the city road of approximately .6 miles.
2. Peck Rock will, at their own expense, clean up any debris left by landfill patrons along the city and county road on at least a weekly basis, and more often if necessary to maintain the road free from any clutter associated with the landfill.
3. Peck Rock will charge double the fee for uncovered loads in an effort to minimize debris.
4. At Saratoga Springs' option, Peck Rock Products LLC will reimburse the city for the reasonable cost of the construction of a chain link fence for that portion of the city park which fronts the city road.
5. Peck Rock will do anything in their power to assist the city and county in enforcing any established speed limits.
6. Peck Rock will spray dirt portions of the land to reduce or eliminate dust, and will have a water truck on site, and will make further efforts to reduce dust as directed by the Utah County Zoning Administrator, should the need arise.
7. Peck Rock will only run trucks between the hours of 9:00 a.m. and 3:00 p.m. when school is in session; and on Saturdays and those days when school is not in session trucks can run from 7:00 a.m. to 7:00 p.m.
8. Peck Rock will abide by any and all laws, rules, and regulations governing the maintenance and operation of the class VI C&D landfill.
9. That the special exception will sunset on March 30, 2016, for accepting waste material; then Peck Rock will reclaim the landfill, which shall be completed by March 30, 2017 and that the bond requirement must be adequate to cover the cost of reclamation.
10. Peck Rock will reimburse the school district or other agency for the cost of a crossing guard, if a crossing guard is deemed necessary by the school district or other agency.

11. If any alternate route is available that does not run past a school, that Peck Rock must take that alternate route. If another alternate route is available, then the time limitations during the school day would be lifted; and that if a fence has not been constructed, condition #4 would also be lifted.

IF PERMIT NOT OBTAINED WITHIN ONE (1) YEAR, THIS APPROVAL IS VOID

The decision of the Utah County Board of Adjustment may be appealed to the Fourth District Court within 30 days from the date this Action Report is filed with the Utah County Recorder.

Vote Record:	AYE	NAY	ABSTAINED
Lyle Hillier, Acting Chair	X		
James Brady, Member	X		
Bob Becker, Member	X		
Mark Brady, Alternate Member	X		
Richard Dalebout, Alternate Member	X		

I, Shirley R. Englund, certify the voting record shown above to be true and correct, and a copy of this Action Report was recorded and filed in the Utah County Community Development Department on the 11th day of March, 2004.

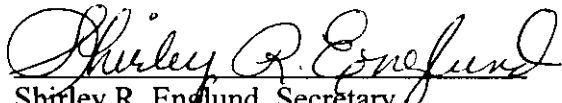

 Shirley R. Englund, Secretary
 UTAH COUNTY BOARD OF ADJUSTMENT

EXHIBIT "A"

LILD * * * Land Information System * * *

Property Serial Number: 59:003:0002 442 Year: 1989.....
Locator / Alpha Serial: / Tax District #: 035
Owner Name: UTAH STATE DEPT OF NATURAL RESOURCES Acres: 400.00

SETTA 08/11/1987 10:38

Taxing Description: (Not For Legal Documents) OLD
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N1/2NW, NENW, NE, N1/2SE, SESE, SEC 3, T6S, R3W, SLM.

* * * Search Completed * * *