

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence _____ x Walton _____ Union _____
2. (Check One) x Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name Mary Ann Twombly, STI
Phone Number 485-1234 Fax No. 485-2350
Applicant's Address P. O. Box 171
Walton, KY 41094
4. Description of Request: six (6) month temporary I-1 Conditional Use Permit
5. Name of Development STI
6. Location of Development 13066 Service Road, Walton, KY
7. Acreage Under Review 4 of 120
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Quality Forest Products (252)445-2113x33
Phone Number of Owner 21144 Hwy 301 South 10.
Address of Property Owner Enfield, N.C. 27823
11. Proposed Use(s) on Site six month temporary relocation of existing business for towing & repair
12. Total Square Footage of Existing and/or Proposed Buildings 1400
13. Current Zoning on Property I-1
14. Deed Book 312 Page No. 1 Group No. 2082
15. Is the site subject to a zone change? no
16. Have you submitted a Site Plan with this request? n/a
17. Have you submitted a list of adjoining property owners with this request? see attached
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Mary Ann Twombly, President, STI

Property Owner's Signature: Rick Phillips, Quality Forest Products Inc.

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
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SECTION B (To be completed by the Boone County Planning Commission Staff)

916.00 R# 20496

1. Date Received 5-11-99 Fee Received 702.00 R# 20456
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer Mark Jordan
4. Scheduled Board Action Date 6/17/99
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See minutes
Temporary C.U.D. granted for nine (9)
months. Expires 3/1/00
7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: Mary Ann Twombly, President, STI
LOCATION: 13066 Service Road, Walton, Kentucky
ZONING: Industrial One (I-1)
DATE: June 17, 1999

Proposal

The applicant is requesting a Conditional Use Permit to allow an automotive repair facility with the accessory storage of vehicles, and the operation of a towing service which is to be subordinate to the principal use (the repair of automobiles and trucks) at 13066 Service Road, Walton, Kentucky (See Site Location Map). The 120 acre site is the previous location of Quality Forest Products, and the applicant is currently utilizing approximately four (4) acres of the site. The existing buildings are approximately 1,400 square feet in area, and are currently utilized for office and dispatch operations.

The property was subject to a Conditional Use Permit application and approval on November 28, 1983, for the construction and operation of a wood treatment facility for Quality Forest Products, Inc. The request was approved by the Boone County Board of Adjustment and Zoning Appeals, subject to the two (2) conditions listed in the Certificate of Land Use Restriction (CLUR) recorded on December 27, 1983. Specifically, the restrictions listed in the CLUR indicate that there be an access road to the plant, and that the tree line along the road easement would have to remain. (See enclosed minutes of BCBOA meeting dated November 28, 1983, and Certificate of Land Use Restriction CP83-11-11, dated December 27, 1983). Existing records also indicate that a Site Plan was approved in conjunction with the Conditional Use Permit application. The subject property has since been annexed by the City of Walton.

Article 11, Section 1133 of the Boone County Zoning Regulations permits automotive repair facilities within an Industrial One (I-1) zoning district as a Conditional Use. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 and the following criteria from Section 1133 of the Boone County Zoning Regulations:

Conditional Uses and Criteria:

The requested use and appropriate accessories are permitted subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals, provided:

- a. the activity is provided primarily in support of and obtains its trade from the employees of the district; or

- b. the activity is of integral relation to the purpose of the district;
- c. the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- d. provided the arrangement of uses, buildings, or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Land Uses and Zoning

North: zoned Industrial One (I-1)

South: zoned Industrial One (I-1)

East: property along Service Road zoned Rural Suburban Estates (RSE)

West: property along Boone Lake Drive, Happiness Lane, and Huey Drive zoned Suburban Residential One (SR-1)

The Boone County Comprehensive Plan Future Land Use Map indicates the area as Industrial (I). The text does not specifically mention the site nor does it mention the area other than to say that the Walton area should experience gradual commercial, residential, and industrial growth.

Staff Comments/Concerns:

1. Staff recommends the preservation of all existing vegetative/tree buffer surrounding the perimeters of the site.
2. Staff recommends that any automobile parts, tires, and any other items or materials incidental to the operation be completely screened from view of all adjoining properties.
3. The site will be required to go through Site Plan Review. Any expansion of the existing buildings, parking areas, or the site beyond the requirements of Section 3004, Minor Site Plans, will require the submittal, Staff review, and approval of a Major Site Plan.

4. The repair of trucks and automobiles should be the principal function and use of the business. The storage of discarded automobile parts, junk and abandoned vehicles, and other items incidental to the business is to be accessory and subordinate to the repair of trucks and automobiles. Staff strongly discourages the establishment of an automobile/truck salvage yard or storage yard. All vehicles towed on-site should be repaired and/or removed in a timely fashion.
5. The 120 acre site would allow for future expansion. Staff suggests that possible limits be established which restricts the size and intensity of the business.
6. Staff is concerned with the current condition of Service Road and feels that special consideration should be given to the impact this use will have on this immediate area.
7. Article 34 of the Boone County Zoning Regulations permit one (1) free-standing sign of 150 square feet in size and 10 feet in height for this site. Staff recommends approval of a Sign Permit application for any proposed free-standing sign. Any requested deviation on the square footage or height of a free-standing sign will require approval of a Variance from the Walton Board of Adjustment and Zoning Appeals.

Conclusion

The subject site is zoned Industrial One (I-1), which allows an automobile repair facility as a Conditional Use. The applicant's proposal must be determined by using the seven (7) criteria the Walton Board of Adjustment and Zoning Appeals must use to determine each Conditional Use request. It should be determined whether the use will create a hazardous situation, and whether the proposed use is harmonious and appropriate with the existing or intended character of the general vicinity.

Respectfully Submitted,

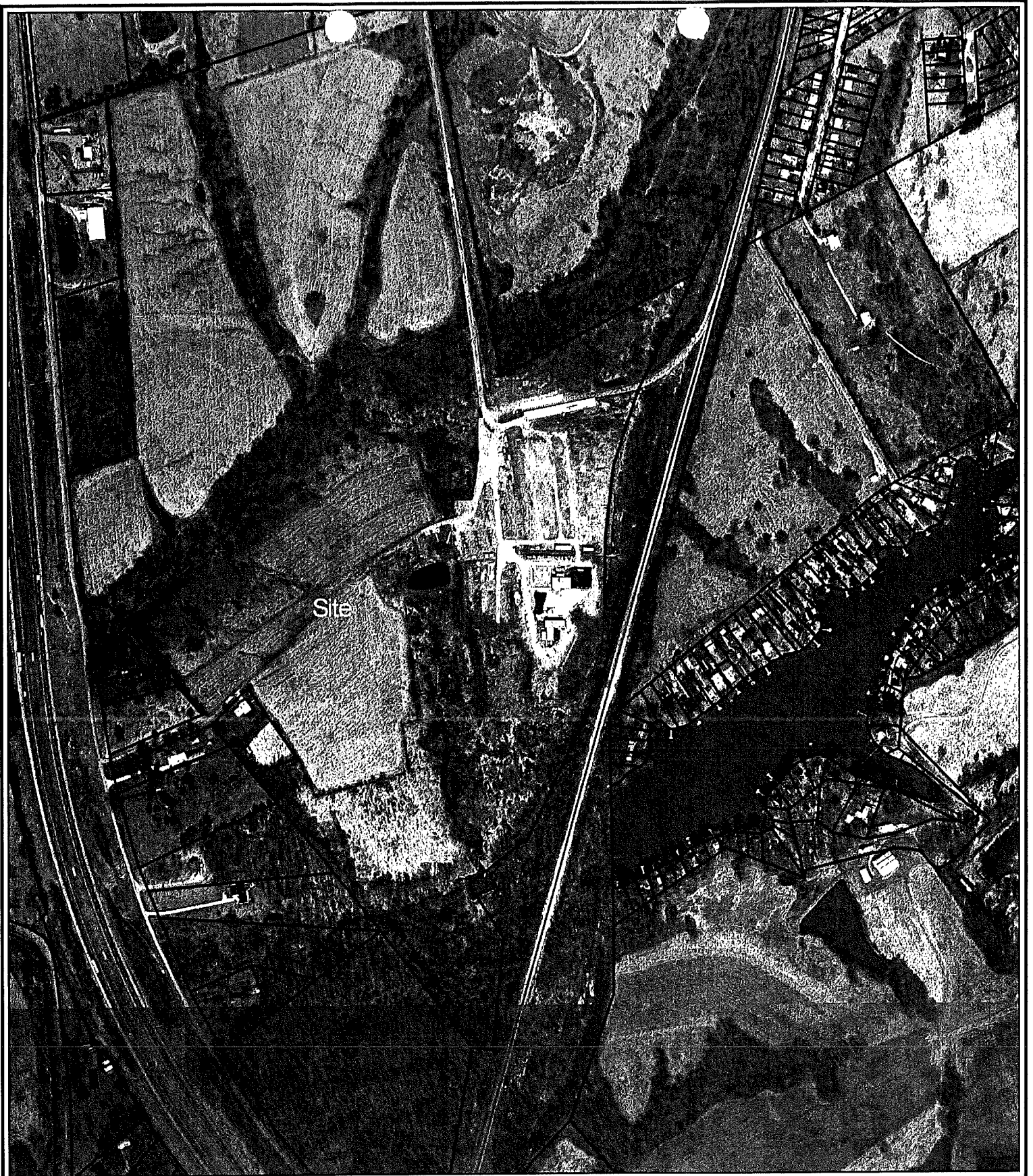


Mark E. Jordan
Planner

MEJ\pr

Attachments

- Site Location Map
- Zoning Map
- Future Land Use Map
- Minutes of the November 28, 1983, Boone County Board of Adjustment and Zoning Appeals Special Meeting
- Certificate of Land Use Restriction CP83-11-11 recorded on December 27, 1983



Site

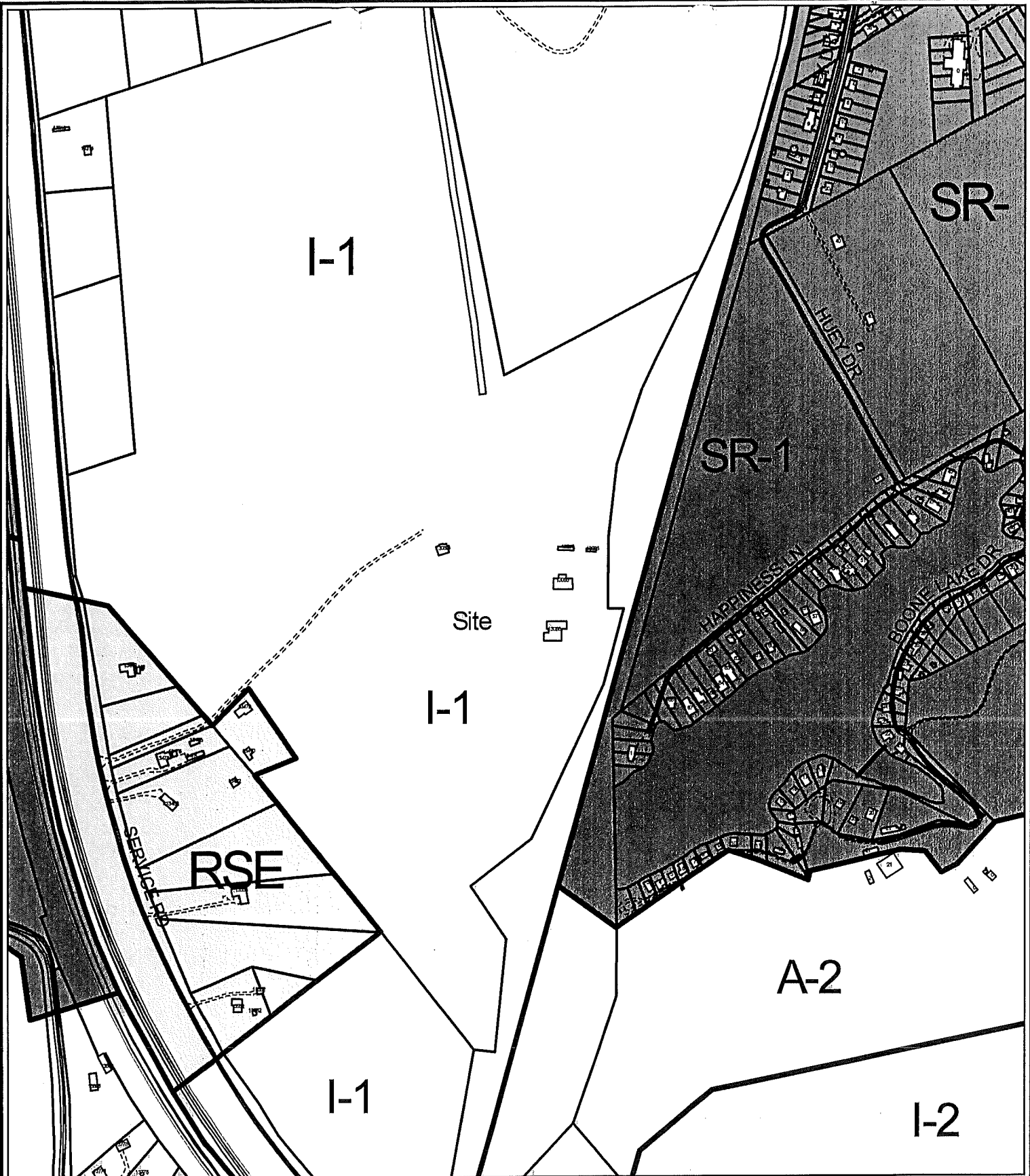
Site Location Map

13066 Service Road

500 0 500 Feet

1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 7, 1999



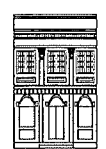


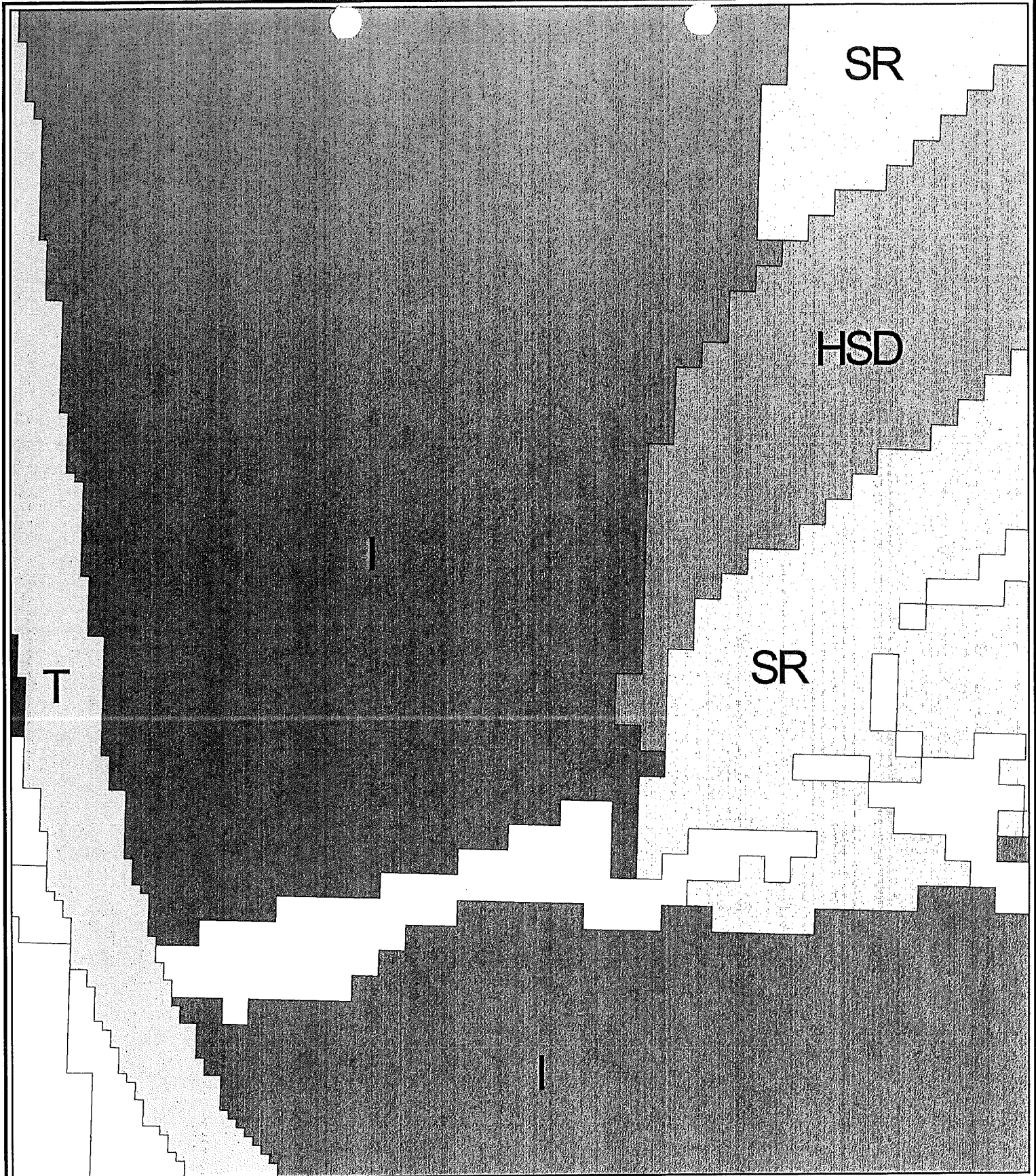
Zoning Map

13066 Service Road



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 June 7, 1999





Future Land Use Map 13066 Service Road

500 0 500 Feet

1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 7, 1999



BOONE COUNTY BOARD OF ADJUSTMENT

SPECIAL MEETING AGENDA

NOVEMBER 28, 1983

6:30 P.M.

Request of Quality Forest Products, Inc., Owner of Option, for property owned by J.R.S. Farms, Inc., for a Conditional Use Permit to construct and operate a wood treatment facility on a parcel of land located in unincorporated Boone County south of Kentucky Highway 16, adjacent to and East of I-75, in an Industrial One (I-1) Zoning District.

BOONE COUNTY BOARD OF ADJUSTMENTS

SPECIAL MEETING MINUTES

NOVEMBER 28, 1983

6:30 P.M.

Chairman Whitton called the Special Meeting to order of the Boone County Board of Adjustments at 6:30 P.M.. Four Board members were present; Mr. Nevel was absent. Staff members present were Mr. Wilson, Mr. Block and Mrs. Ryan.

Chairman Whitton proceeded with the request of Quality Forest Products, Inc., Owner of Option, for property owned by J.R.S. Farms, Inc., for a Conditional Use Permit to construct and operate a wood treatment facility on a parcel of land located in unincorporated Boone County south of Kentucky Highway 16, adjacent to and East of I-75, in an Industrial One (I-1) Zoning District. Chairman Whitton outlined the manner the meeting was to be conducted. Mr. Block presented the Enforcement Officer's Report and a slide presentation outlining the area of the proposed site. Chairman Whitton stated he would now hear from the representatives of the Quality Forest Products, Inc.

Mr. Benson, Attorney on behalf of the applicant, introduced John Bonar, Attorney on behalf of the applicants, Mr. Alan Bell and Mr. Tom Ryan of Quality Forest Products, Inc. Mr. Benson stated basically we pressure treat lumber with the CCA process. There are three different chemicals involved that we will later discuss, but I want to begin by describing what happens. Mr. Benson continued first of all there are three types of chemicals brought in a month by tankard trucks. Mr. Bonar passed out a letter from Edwin A. Woolson, PhD, Research Chemist, which generally summarizes the operation. Mr. Benson stated he didn't want this to be confused with cresote or phenol plants. These are stainless steel trucks which have a dyke type system so there is no spillage. Mr. Benson continued the chemical is not touched by human hands throughout this process. It comes in these tankards, stored on the premises, then is mixed with water. Mr. Benson stated we will be one of the City of Walton's major users of water as we will use about 30,000 gallons of water a day to treat this lumber. The solution used will be 99% water and 1% chemical, and mixed up inside a 12" reinforced concrete storage cylinder which resembles a large swimming pool type operation. Mr. Benson stated we build our storage building on top of the cylinder and at that location mix the water with the chemicals then pressure treat the lumber. The treated lumber is brought out, set on a slanted cylinder pad and dries in roughly 24 hours. During that drying procedure if there is any seepage out of the lumber of the chemicals involved, it seeps back in off of the 12" drip pads into a sump pump and is reused. We don't want to lose the chemical for health, safety, and practical reasons; everything is recycled. The arsenic involved is not the type of arsenic used to kill rats but a different form that does not have the toxicity of the other type. Mr. Benson continued most of our lumber will go out by rail on railroad cars so there will be little truck traffic. Mr. Benson stated there will be six to twelve trucks a day bringing in lumber to the site. Mr. Benson passed out

a piece of treated lumber and the solution for the Board members' review. Mr. Benson stated the reason this is not a type of creosote lumber or something you see on telephone poles is that it does not have any odor or feeling to it. The chemical used is odorless and does nothing to you when you touch it. Mr. Benson continued we are not putting off any odor, fumes, or anything that would be offensive. The treatment plant operation is such that we will not pollute the water supply in the area or the ground in any way. Mr. Benson stated the advantage to the drip pads is everything is recycled as nothing goes into the soil or into the water supply. Mr. Benson further stated we will have our office there on the premises and will have some type of sewage facilities for our office; as for approximately eight hours a day we will have some people there that will use the sanitary facilities. Mr. Benson continued there are chemicals we feel are going into the air out of this system but they are so minor no one seems able to detect them; there is arsenic there but it is enclosed the entire time and to our knowledge, not being able to detect measures of arsenic as to arsenic in the wood, it is there but to a lesser extent than a glass of wine. Mr. Benson pointed out the three chemicals we are talking about are not man made substances. Mr. Benson stated the arsenic, copper and chromium are all substances that exist to some degree in a glass of water, and are common and are found. Mr. Benson further stated in the space of roughly one year we produce five to seven pounds of sludge which is the only waste produced in a year at this plant. This is stored in barrels and hauled out to be disposed of at a waste site. Mr. Benson continued this is the only thing that we produce, as once again, nothing goes into the air, the water system, there is no odor pollution, no noise pollution, beyond the sound of the trucks coming and going. Mr. Benson stated he thought a lot of the residents involved are much closer to I-75 than they are to us, so I am sure they won't hear the trucks. Mr. Benson further stated in the way of noise there are two to three forklifts that will be on the property moving wood, but there is no gas or fumes that go into the air and nothing else to be noted of that type of circumstance. Mr. Benson continued the result of all of this is that we would produce hopefully for the benefit of the County and people in the area about ten jobs for semi-skilled or unskilled workers to begin with. Mr. Benson stated from that point in time we could eventually have as many as thirty or thirty-five jobs for the area. Mr. Benson pointed out we will increase the tax base and the Walton School System might be benefited along with the Walton residents in the sense that we do have a very high tax rate in Walton because we have an excellent independent school system which we are trying to maintain. Mr. Benson stated the water that will be sold the city has available to sell, and we think that will be an asset to the community. Mr. Benson further stated he would like to talk indirectly about something if he could. Mr. Benson stated he could talk directly about it but knew there were people here tonight who may have some concern about the chemicals we are using. Mr. Benson further stated he has talked to a lot of people about the chemicals and would like to summarize what has happened this summer. Mr. Benson continued he would be glad to address the subject of chemicals if desired but would like to come about it in a different direction by telling what has happened to this stage. Mr. Benson stated the first thing we did regarding this project is find a 20 acre site off of Chambers Road, which was in an Agricultural zone, therefore, we sought a zone change. Mr. Benson further

stated we were unsuccessful on that zone change struggle. Mr. Benson stated we had a committee with the Planning and Zoning Board that unanimously reviewed this project. He continued there were committee meetings, and several zoning meetings in which the committee did a lot of work. The committee approved the project for a site which was 195 feet from homes. Mr. Benson stated they had no problems with these chemicals being next to homes and we have literature we can show you where Quality Forest Type plants, CCA treatment plants, have been around for forty to fifty years without any problems; there are a couple of them in Cincinnati that you could see. The Mayor of Walton and others flew to Enfield, North Carolina to see one of Quality Forest Products, Inc. plants. Mr. Benson pointed out they are nothing unusual or uncommon as there are hundreds of them all around the country, none of them which to my knowledge have had any zoning problems as we did. Mr. Benson stated the committee and the zoning board recommended this, the zoning board voted two to one and eight to four in favor of it; they felt there was no chemical problem or they would not have put it in that close to residences. Mr. Benson pointed out the Fiscal Court on the other hand voted against the request four to zero (4-0) on the other location. Mr. Benson stated at that point the Fiscal Court made findings stating the problem to be the access to the project. Mr. Benson stated the Fiscal Court feels it is an environmentally sound project and would like to have it in the community in the right spot but not in an Agricultural zone 195 feet from people where there is not proper access. Mr. Benson further stated the Fiscal Court has indirectly backed up what they said by voting three to one (3-1) to issue a bond inducement letter to finance this project. Mr. Benson stated John Weaver, one of the Fiscal Court members, has come out in favor of it at this location in the paper. Mr. Benson continued when asked why we lost this summer, I say probably the Kentucky Post, but the Kentucky Post has published an editorial in favor of the project at this site. Mr. Benson stated it is for the Board of Adjustments to make the decision tonight. Mr. Benson further stated we all know that feed stores, hardware stores, and other places have chemicals that if taken in enough quantities or used in a certain fashion can cause you harm. Mr. Benson pointed out we are using chemicals which if used; or someone got acetylene torch and broke into our cylinder bin building in the middle of the night opening up one of those tanks and drank some of it, it would make them sick. Mr. Benson stated he was sure turpentine, paint thinner, and other things around peoples' houses would do likewise, but we feel like the chemicals are not a factor and we feel like everyone that has listened to the subject throughout the summer, at least a majority of those in power to vote, have felt there is not any problem with that. Mr. Benson further stated we do not at this location have any access problem as the Mary Grubbs Highway is an excellent spot. Mr. Benson stated when he visited the site standing at the location where the building would be and looking in every direction the only house he could see was the Sturgeon house. Mr. Benson further stated Mr. Sturgeon previously owned this ground and he does not have any objection to the plant. Mr. Benson continued he could not see anyone else's houses although Mr. Block's picture from the property line itself with the camera placed property through the trees enabled you to see Boone Lake, but Mr. Benson stated he did not think those people would be able to see the treatment cylinder which will be approximately 200 feet back from that property line.

Mr. Benson stated the people on Service Road won't be able to hear noise from the plant as the expressway noise would drown out any noise that is made. Mr. Benson indicated he did not think this industrial use of the property would devalue the property as much as most industrial uses would. Mr. Benson stated one of the comments by Mrs. Martin of the Boone Lake Club was to the effect that when the project is done this won't be as nice up on that hillside as it would have been before. Mr. Benson pointed out it will not be as nice as a farm or as quiet as a farm for someone who lives 1/10 or 1/4 mile away, but Mr. Strauss has a right to develop his property. Mr. Benson concluded he did not see anyone being directly affended by this use and felt it would be quite proper.

Chairman Whitton asked if anyone else would like to speak on behalf of this proposal. Chairman Whitton asked if anyone would like to speak in opposition of the proposal.

Mr. Don Knapmeyer, Attorney, stepped forward stating he and Mr. Bill Wilder, Attorney, were representing the people that live in the Boone Lake Club. Mr. Knapmeyer stated Boone Lake Club is an incorporated club that has approximately 62 properties around Boone Lake. Mr. Knapmeyer stated he and Mr. Wilder were advised of this situation today and have scraped together whatever we could to try to get ready for tonight, and while Mr. Benson's presentation was very eloquent and I have no reason to doubt what he said was true, I have a problem with the fact that none of this information regarding pollutants as far as chemicals go actually have been made available to this Board. Mr. Knapmeyer stated he would like Mr. Wilder to address a few questions to Mr. Benson and to the people proposing this facility, but our primary purpose tonight is to ask for some time to be given a chance to see if the facts are true that there are not going to be any pollutants because if the plant is permitted to go in and there is going to be some pollution to either the ground, water, or the air it is too late. Mr. Knapmeyer continued the people were concerned. Mr. Knapmeyer stated they are not against industry, or the plant being there for the sake of being there, they just want to make certain before it is permitted their property, health, and children are not endangered. Mr. Knapmeyer stated the people have not had the opportunity to hire any experts or really look into this other than to contact us requesting us to see they would be heard tonight. Mr. Knapmeyer further stated we feel that this has been such an impact if it is not right that if we are not given the opportunity to really study it, these people will suffer irrecoverable damage that would really be a tragedy.

Mr. Bill Wilder, Attorney, 7529 Sussex Drive, Florence, stepped forward stating Mr. Benson did present a very eloquent speech in which he said that the chemicals to be used, arsenic, etc. are not harmful. Mr. Wilder stated everything that we have come up with says they are. Mr. Wilder presented comments contained in a letter from Northern Kentucky Environmental Services dated September 6, 1983 signed by Kenneth P. Reed, PhD then submitted it for the record. Mr. Wilder stated Mr. Benson stated the solution would be 1% chemicals, 99% water. Mr. Wilder further stated these people have property located on the lake; the lake being the reason the people have a home there. Mr. Wilder stated there has to be some chemicals settle in that lake and become eventually a hazard to their health. Mr. Wilder continued we are interested in peoples' health and

safety in this area. It is not the matter of how many jobs we can produce; if we lose one person's health is it worth 100 jobs; I would say not. Mr. Wilder entered a project summary by the EPA their research and development, Wood Preserving Industry Multimedia Emission Inventory, which was published September, 1981 for the record. Mr Wilder stated in the introduction itself it goes into the chemicals used to treat the woods are toxic, and waste from these plants can cause environmental problems, which states the reasons we are objecting at this time. He continued that the article commented wastewaters are generated as a result of the preservatives used, plant operations, surface runoff, and excess process water discharge. Mr Wilder questioned the type of disposal for excess sludge. He continued that the September, 1981 publication states that considering the current wood preserving waste management methods, it is reasonable to assume that the primary area of concern regarding future environmental regulations will be the disposal and handling of solid wastes and air emissions that result from the treatment processes. Concerning the Health and Environmental Impacts, nothing has been presented tonight that address the environmental impact of this plant would have on the residents located just east of that project or residents within 700 feet of the plant itself. I would like to also enter this for the Board's consideration. Even though Mr. Benson indicated there would be no chemicals incurred by individuals, the EPA standards require that anyone that is having any contact with the chemical, wash their hands before even going to the bathroom. You have the chemicals passed around. The fact is that they say that the chemicals are hazardous. That anybody even outside in the storage area where they would be storing the wood after it is processed wear a mask. This is the EPA standards, this was published 2/19/81. Mr. Wilder continued that it also goes into the use that is the same toxic chemical as used in agent orange, this is a chemical. We didn't know what the agent orange actual impact on the human being was going to be when it was used in Vietnam, but yet we have a lot of people today who are suffering the cause of that agent orange. The decision you make tonight may be putting these same residents in that same position. Five years down the road, ten years down the road that decision you make tonight might affect their lives, their health, their safety. We would like to enter this also, a letter dated August 15, 1983 from Dr. Bernard E. Saltzman, Professor of Environmental Health for the University of Cincinnati Medical Center. Just to quote very slightly from his letter "Arsenic is recognized as a highly toxic substance which is a know carcinogen in animals and a suspect carcinogen for man. Mr. Wilder also submitted a letter to Dr. John Todhunter, Assistant Administrator for Pesticides and Toxic Substances, U.S. Environmental Protection Agency and this is signed by the President of American Wood Preservers Institute, President of Society of American Wood, Preservers Inc. and Executive Vice President National Forest Products Association. Mr. Wilder stated that they refer to the Federal Register that he presented also and they claim in this letter that there are hazards to it also that they are working with the EPA to clean up their act. They have some problems with some of the processing and also the agents that are used in this chemical process. Mr. Wilder submitted a report

from Gendix Environmental Research, Inc, in San Francisco, California regarding observations of methods and techniques used in applicator plants. Mr. Wilder quoted from the Health Harvest Magazine, stating "Its often said of the arsenicals that they bind permanently to wood. However, texts by the Forest Products Laboratory showed that a small amount of arsenic, copper and chromium leached into the soil from treated stakes left in place of 30 years. Also, treated lumber has been observed to "Bloom" with crystals of preservative". Mr. Wilder stated this is the same agent that is in 2,4,5-T fertilizer, pesticides so forth that have been banded by EPA, so how can you say it is safe when it has been banded in other uses and may be this is larger amount. But how much of an amount do you need to harm the health. We would like to enter this also. We would like to remind the Board that the people who own the property around this lake have been there for several years they have an investment not only in their property but in their lives and their health. We ask before the Board makes a decision that they give due consideration to those people's health and the impact it would have on the environment. Mr. Douglas Rouse, Attorney in Florence Kentucky representing Gene Rowlands, property owner, and Eugene Parsons, property owner, stepped forward stating the Board should exercise some responsibility to the people here who have turned out in such an enormous group. The folks were subjected to a zoning change to an industrial zone without individual notice to themselves which is within the law. Mr. Rouse stated they are faces with the only opportunity to protest this situation in this meeting before the Board on a Conditional Use Permit situation. I would submit to you that there are enough type of industries that are already within the principally permitted uses that would be much less disagreeable to the community around this site than the one Mr. Benson is presenting. Mr. Rouse request the Board bear in mind before granting the Conditional Use Permit that this project is not going to be harmonious with this area that surrounds it. We have, even though you are out in the middle of a farm, an area that is largely residential. Those people live in homes that are now in an industrial zone. Mr. Rouse stated we find that this proposed project is a very expansive project not just a building or two, not just small industrial site contained, but employs as part of its processes outside dryers and sumps, lumber storage places and such, and not asthetically disagreeable to say nothing of the potential hazard from the chemical standpoint. Mr. Rouse stated as a lawyer I don't want to malign the company for potentially contaminating the air, soil, or the drainage without evidence. You as Board members should not presume that there won't be these contaminates. I simply urge you that when you make a decision on this conditional use permit, you avail yourselves of all the possible avenues of information gathering to see if in fact there are going to be contaminates. Mr. Rouse further stated, Mr. Benson says that the evaporative process would be negligible or nondetectable and very minor while the arsenic dries into the wood. Based as Mr. Knapmeyer suggests, these folks deserve an opportunity to consult with experts who are more objectively stanced than the residents to be subjected to

conditional use permit that is too superficially conceived. In conclusion, I can appreciate the interest of politicians because we all do want to see progress come into our lives. By the same token, Walton is a residential community and when we start to move it into something else I think we should do so as cautiously and as smoothly as possible, without bringing them into an area that is surrounded by factories that they don't like. Mr. Knapmeyer stepped forward stating I believe in summation, Mrs. Darla Martin has obtained through the efforts of some other people a petition that she would like to present to the Board which has a substantial number of signatures. Mrs. Darla Martin stepped forward, 50 Boone Lake Road, stating that she not only is concerned with keeping Boone Lake as pretty as it is, she has read the EPA and the other research material and is very concerned about the chemicals they are going to use in this project and the possibility of any contamination of the water, soil, and the air by leaks or any emissions. If there should be any contamination it could take many years before it would ever show up. I think that the whole thing should be very thoroughly investigated. We have had very little time to prepare for the hearing since we got such short notice and I would ask that you give us more time to call in experts to testify to this. I am not only speaking for myself but the other members of Boone Lake. Mrs. Martin submitted for the record a petition signed by 660 residents of Walton and the immediate area. Chairman Whitton anyone else in opposition. Mr. R. Estes, property owner at Boone Lake stepped forward stating he had been at Boone Lake for a number of years, and that they have a lot of people who are retired in the area. Mr. Estes stated if there was any fall out that will not affect the entire lake which we spend a fortune on yearly. Mr. Estes further stated we put chemicals in the lake keeping it clear and stock the lake. We all maintain our properties, pay Boone County Taxes and maintain our own roads for which we get nothing from Boone County whatsoever. Mr. Estes continued it is self supporting over there and this should be looked into further. Mr. Estes stated he would be glad to make an appointment for anyone wishing to see Boone Lakes site. Mr. Richard Courtney stepped forward stating he has lived in this general area since 1944. Mr. Courtney stated as far as he knew there has never been a tax asked for by the Walton-Verona School that was put on the tax ballot that wasn't approved in the Walton-Verona area. Mr. Courtney further stated he has read everything within the last week that he could and his understanding is there wood is 40% heavier after it is treated. Mr. Courtney further stated a lot of the water evaporates and he is sure some chemicals go with it. The vapors move on the air and the dust moves on the air. Mr. Courtney stated that 90% of the homes in our area have cisterns; we catch our water off of the roofs of our houses where this chemical will be deposited. Mr. Courtney continued that he hoped the Board will think of our universities if you are in doubt of any of these papers that you have received tonight.

Lauren Owens, stepped forward and stated that he husband and she had owned a cottage at Boone Lake for 17 years and are looking forward to moving there full time next year to enjoy it for many years. Mrs. Owens stated one of the biggest problems that we can see is the fact that on the site suggested for this plant two barns and house at individual times had been struck by lightening and burned up. Mrs. Owens further stated we have a volunteer fire department in Walton which does the very best job they can but they are not equipped to handle a chemical fire if one should ensue. In the event all this lumber stacked outside would catch on fire all the fumes would come up into the air right over Boone Lake because of the prevailing winds from west to east. We would be inundated with all this residue from a fire. Mrs. Owens stated lightening strikes that area frequently. Mr. Dean Courtney of Salem Creek stepped forward stating all the kids really enjoy going into the water of Salem Creek during the summer. If there is any runoff it will run into Salem Creek. Mr. Courtney stated he hoped the Board would think about this for the kids and everybody's safety. Ronnie L. Elmore, Boone Lake stepped forward and stated he had interest, not only in Boone Lake but on Salem Creek as his uncile has a farm ther eand his brother lives there. Mr. Elmore stated where the culvert comes out of this treatment plant any runoff whatsoever comes on that farm. As that is the only drinking water for the cattle I would like to know for sure if there is going to be any toxic waste so that it does not come into those cattle. Mr. Jim King, Boone Lake, stepped forward and stated his concern regarding the sludge. Mr. King stated if they are hauling it away it is something that we might not want to be there in the first place. Mr. Bill Faulkner, a member of Boone Lake, stepped forward and stated that tonight we are all united. Mr. Faulkner stated Mr. Benson made two statements he did not understand. One of those being that you would spend 8 hours a day at this plant. Mr. Faulkner questioned are you moving your office there. Mr. Benson replied our company is going to have an office there. In response to Mr. Faulkner, Mr. Benson stated everything is recycled and reused and in the course of a year there would be 5,6,7 barrels of sludge to be disposed of. Mr. Benson continued that we don't want to lose any arsenic copper or chromium; we want to reuse it. Mr. Faulkner stated that he thought Mr. Benson had said something not wanting the environmental hazard. Mr. Benson replied that is correct. Mr. Faulkner stated his concern toward the usage of 30,000 gallons of water a day that you would be bought from Walton. Mr. Faulkner stated in 1960 the Walton resevoir went dry. The people of Boone Lake pumped 12 feet down to fill Walton resevoir. Mr. Faulkner further stated in the last 23 years have they increased Walton resevoir so that they can give three quarters of a million gallons of water a year over and above this normal demand. In conclusion, Mr. Faulkner stated we have had 11 days to get ready for this and as we are going into the holidays, would like to request more time because of the importance of it to us. Mr. Faulkner commented to Mr. Ryan that the property could be a very beautiful 9 hole golf course which would bring money into the town, Chairman Whitton asked if there

was anyone else in opposition to the request. Mr. Kenneth Beach, from Boone Lake stepped forward stating he lived there about 12 years and questioned why a company would spend this much money to put the plant in Walton. Mr. Beach further questioned they didn't run the plant in North Carolinas; have they kicked them out. Mr. Beach stated with the lumber having to be shipped in, you could not start tomorrow and get 20,000 feet of lumber here in a month's time. Mr. Beach stated Mr. Benson made an impressive speech, but now is Mr. Benson going to prove this after the plan is in and all the damage is done. Chairman Whitton called for rebuttal. Mayor Ryan stepped forward and commented everybody has though Mr. Benson made a fine presentation but nobody believes him which is odd to me as the EPA does approve Quality Forrest Products. Mayor Ryan stated he was at their plant with two other gentlemen from Walton and he knew that it is approved and watched very closely by EPA. Mayor Ryan further stated there is no way for it to pollute Salem Creek because it is all contained within the plant. The building where the tanks are stored has a masonry wall around it, you walk up a step and down a step to get into it. Mayor Ryan continued regarding the drip area where the lumber dries he personally saw 80 feet of lumber pulled out of the tube and knows if he would have had a teacup it would have contained everthing that ran off. However, had it ran off it would have gone back into the sump. Mayor Ryan stated there is a necessity for that drip pad because in the event of a rainy season you can't stop treating lumber in which case it would run back into the sump. Mayor Ryan questioned why so many people are afraid when there is treated lumber over the entire area. Mayor Ryan stated he was sure the Walton City father were very grateful fro the water from Boone Lak some years back; however, the negotiation was not nearly simple as he presented it. Mayor Ryan stated we don't use the lakes anymore, we do have adequate water to su-ply Quality Forrest Products. Mayor Ryan further stated there are logical reasons they want to located there. Those being (1) they need to be on the Seaboard System Railroad as it is important to their function; (2) they need to have 50,000 gallons of water a day minimum and Walton is the only system in Boone County that can provide it. Mayor Ryan stated practically every article that you read will state in the final analysis that properly used the chemical is totally safe. I made a comment that it is probably not as bad as what you spray your garden with. Mayor Ryan continued he could not conceive why we would make Quality Forrest Products wait again when they want to come to our community as a citizen and neighbor. In conclusion I know them well enough and am convinced they will be a good neighbor. Mr. Benson stepped forward to present his rebuttal. Mr. Benson stated he wanted to thank everyone for the way this request has been ran and handled on both sides. Mr. Benson stated he would like to go back over waht has been said in opposition to the project and comment. Mr. Benson state Mr. Knappmeyer made the comment he did not feel the decision should be made now and other propie reiterated the comment that the matter should be put off for the benefit of more time. Mr. Benson stated they filed this

application three weeks ago, the residents received their notice through the Board and it is in a hurry in that sense from their viewpoint. Mr. Benson continued with all due respect the key is not their viewpoint, it is whether or not the Board of Adjustment has enough information to make a decision rather than if some residents do. Mr. Benson stated we have given the Board everything they have asked for they have been to the property site. Mr. Benson continued Mr. Bell's option expires tomorrow on this property. The property he had before tied him up all summer and this is costing him a lot of money. Mr. Benson stated if you don't have the information that is one thing, but there is a summer's worth of information and a stack of documents presented to you by Mr. Wilder and I believe all but one was already filed this summer. You folks have had time to review this matter and to work diligently at it, and I am sorry if some of the people from the club or elsewhere may not have all of the information but if we wait until everyone has all the information I don't think that is the content. Mr. Benson stated we are not judge and jury, the Board is. Mr. Benson continued from that point we have a situation where Mr. Wilder commented that if the chemicals were not harmful, he would not have literature. The new EPA document Mr. Wilder presented applies to the cresote type plant which I am not in favor of in this area and the phenol plants which I am not in favor of. The article he gave me one sentence as far as I know about treatment plants such as this one the water born type plants with CCA. It says water born preservative are compounds of arsenic, chromium copper zinc, and fluoride. The principal preservative include chromated copper arsenate (CCA). The produce a clean, odorless, paintable product. Most of the concerns are about wood treatment plants but not about this kind. Mr. Benson stated, Mr. Wilder mentioned that if one person's health was lost because of this plant it would be an overriding factor and it should not be there. Mr. Benson continued if you take the premise to be absolutely true that if one person became ill, we still have 40 or 50 years of experience with these plants and have had no one get sick. Mr. Benson stated his clients are not leaving North Carolina. Mr. Benson stated the company is coming here because lumber from Georgia and Alabama needs to be treated. Mr. Benson continued there is access at this location to the Seaboard System, we have plenty of water, and this lumber from Georgia and Alabama will be treated and headed north. Mr. Benson stated it is not economically feasible to head all that lumber to North Carolina then back up north. Mr. Benson further stated the company is expanding, not leaving anywhere as the Company is welcome in North Carolina no body with the EPA is very concerned about the CCA type plant, which is the drip pad type operation. Once again a letter from Dr. Saltzman was mentioned that was presented this summer. In response to a comment made regarding how much arsenic was needed to cause a health problem, Mr. Benson replied five (5) million times as much as we put into the air.

Mr. Benson further stated an oak forest puts more arsenic in the air than our plant. Mr. Benson stated questions were asked about how much would go in the soil, if we dried it outside, how much would go in the air. Mr. Benson continued in answer to comments regarding the chemicals that there was not enough in the air to even properly measure and nothing would go into the soil; that is the purpose of the drip pad. Mr. Benson discussed an incident occurring at a CCA type plant in Louisville. Mr. Benson stated when the plant was built drip pads were not required and after a period of four years some of the chemicals seeped into the water supply. Mr. Benson continued even though they polluted the stream for four years no one became sick or died. Mr. Benson stated these chemicals fixate on the wood which is the beauty of it and is why they use them. Mr. Benson stated if there was a spill, which has never occurred at any CCA type treatment plant, in theory the chemical fixates on the soil it hits, the proper people come out to dispose of it and take it away. Mr. Benson further pointed out if the people to dispose of the spilled chemical don't get there for a couple of weeks, everything is fine because the chemical does not flow through the soil, it adheres to it. Mr. Benson stated Mr. Rouse made a comment regarding a tremendous amount of people in opposition and stated a petition was presented. Mr. Benson stated in dealing with these type issues a crowd of people that for something doesn't bother to come and tell you about it, but if someone is against something, they will speak. Mr. Benson further stated the area is not zoned recreational and there could not be a golf course there anyway. Mr. Benson pointed out that every residence in any area who lives near an industrial site would make the suggestion they would rather have an open field or golf course. Mr. Benson continued a world of golf courses would be a lot of fun but we would probably all starve to death. Mr. Benson stated he had no doubt that everybody who lives in Florence wishes the Industrial Park consisted of 15 golf courses, unless they were looking for a job. Mr. Benson pointed out problem or concern deals with logic, not with that kind of theory. Mr. Benson stated that property has been for sale for some time and nobody suggested a golf course. Mr. Benson stated in regard to the people being in great numbers against the request, he has seen a lot of petitions passed his way over the years and feels a lot of times you sign your name to avoid somebody sitting there and talking to you for fifteen minutes. Mr. Benson further stated he did not know who is on that petition or what percentage of those people know all of the facts, but had met with some of the people in his office. Mr. Benson stated some of the people on Service Road changed their minds about the project and are now in favor of it as there are others who are not against the project. Mr. Benson pointed out it is an easy thing to sign a petition and if there are 660 that signed this petition, there are 46,000 in this County that did not. Mr. Benson stated he felt the real point is it is not a popularity contest; it is an effort to do what is proper. Mr. Benson further stated regarding the comments concerning the lake, we will not put anything into the lake. In response to comments

made by Mr. Estes about chemicals they put in their lake, Mr. Benson stated everybody thinks of chemicals as being fine when they use them. Mr. Benson further stated the Company will be downstream from them, maybe we should be worried about the chemicals in their lake. In response to the comment of Mr. Courtney, Mr. Benson stated we do not have any dust; there is no powder that we deal with and nothing that is ever dealt with by human hands. Mr. Benson continued it is all enclosed and it is all in a cylinder in a liquid form so that when the lumber comes out it sits on the drip pad, the chemicals fixate, the water evaporates. Mr. Benson stated Mrs. Ownes had a legitimate question on the fire circumstance regarding the possibility of a chemical fire. Mr. Benson stated, we can't have that happen and have never had it happen. He stated the reason for that is such that first of all the chemical would come in a liquid form, the wood treated, the treated lumber only sits on the property for 24 hours until the rail comes in the next day and picks it up. He continued the lumber is not dry enough to burn when the railroad hauls it out. Mr. Benson continued if lightening strikes untreated lumber sitting out, I am sure it is going to burn; but the chemically treated lumber will be in a wet state while it is there and is not going to burn so there would be no threat of any type of chemical fire. Once again in regard to Mr. Courtney's comment concerning pollution in Salem Creek, Mr. Benson pointed out there will not be any pollution runoff in that direction and nothing we do goes into the water. In response to comments of Mr. Elmore's, the water runoff, Mr. Benson stated the facility is situated to withstand the worst storm in the last hundred years in this area. Mr. Benson continued the facility can withstand a rainfall of over 9 inches in 24 hours without any problems. Mr. Benson stated it is designed in such a fashion that there will not be any water runoff. In response to Mr. Faulkner's concern regarding water supply, Mr. Benson stated we do have river water in such a fashion that we do not have that problem. Mr. Benson pointed out he would like it kept in mind that the property is industrial by nature. He stated it has been zoned industrial; there is going to be an industry there. Mr. Benson stated we are seeking a Conditional Use Permit because we are a Conditional Use of the Industrial One zone. Mr. Benson pointed out according to the zoning regulations under light industrial, (I-1), it specifically states no creosote plants are not permitted. Mr. Benson stated he agrees with that; but that is not what we have. Mr. Benson continued we think our light industrial fits into that category and feel the granting of the Conditional Use Permit is the right thing to do. Mr. Benson stated he was in favor of the request from a personal point of view as a person who has worked in Walton for 11 years, for what it will do for the community. Mr. Benson further stated my feeling is that as time goes by people living next to the plant with an industrial use there will someday appreciate that. In conclusion, Mr. Benson stated if the plant does go through, I think they may someday wonder, when some other industry goes in, why they got so upset about an industry that does not pollute air, water, noise or otherwise. Thank you for your consideration. Chairman Whitton stated

the chair would hear rebuttal from one of the representatives (attorneys) in opposition. Mr. Knapmeyer stepped forward stating he did not think that we can intelligently disagree with hardly anything Mr. Benson said, but we would like to have the opportunity to intelligently evaluate what he is saying. Mr. Knapmeyer stated if it does everything he says it is going to do, I say great, and I hope I am speaking for the majority of these people. Mr. Knapmeyer further stated we simply want the opportunity, we would like three weeks to have somebody that we can go to to study this, meet with Mr. Benson, his people, and evaluate this project in order to give us his findings and present them to this Board to see what the outcome is. Mr. Knapmeyer continued I have no reason to disbelieve Mr. Benson, but these folks realizing that if their decision is wrong that what he is saying is not absolutely true that again there could be a tragedy here that is going to have very lasting effects and very costly effects on these people. Mr. Knapmeyer pointed out this is the record as far as this hearing goes as this is where the evidence is presented. He stated for it to be a record where both sides have adequate opportunity to be heard so that if the matter is appealed we deserve a chance to have some expert witness look at this situation, looking at the residents' side of this, and present that to the Board. Mr. Knapmeyer stated we have not had that opportunity because of the time. He stated he realized there has been a previous record made for Planning and Zoning, but that he did not know that the Board has had the opportunity to look at or evaluate it. Mr. Knapmeyer pointed out this is the record we are concerned about and we would like to have the opportunity of making that record complete.

Chairman Whitton asked for further questions from the Board. In reply to Chairman Whitton Mr. Benson stated the sludge goes to the waste disposal plant designated by the government; it is hauled out to a waste landfill. Chairman Whitton asked if that would be in Northern Kentucky. In response to Chairman Whitton, Mr. Bell stated he did not know where the closest waste disposal plant would be, but he believed they had one in Cincinnati. Mr. Ryan pointed out to Mr. Knapmeyer that the Board has the findings of the Planning and Zoning Commission and the findings of the Fiscal Court stating why they denied it on the other site. Mr. Ryan stated if the Board waits three weeks before taking action, I feel we will be in the same position. Mr. Knapmeyer stated our position is that we have not had the opportunity to have an expert evaluate the situation from our side. Mr. Knapmeyer further stated Mr. Wilder and myself just came into this case today. He continued I don't think anybody here tonight that is speaking against this proposal has had the opportunity to really take it all in and be able to evaluate it to make certain that what they are saying is true. Mr. Knapmeyer pointed out that does not mean they are not telling the truth. He continued I think in any court proceeding you simply have to have time to really look at the other side and evaluate it. Mr. Knapmeyer stated this is a different site and things will be taken into consideration here that I am sure were not taken into consideration there. Chairman Whitton stated I think a distinction has to be made regarding this request. He continued it is a new site; however, this is an industrial site and according to the findings of fact from the Fiscal Court their objection was not the environmental impact of the plant only its appropriateness to take a pre-existing non-industrial zone and making it industrial. Chairman Whitton stated this site is bordered by a railroad

Board members have all been at the site. Chairman Whitton continued the trucks that will service that facility will not even drive past one house assuming that they put the road in as proposed. He pointed out if the Board approves this request we would have to make that one of the conditions. Chairman Whitton stated this battle has been going on all summer and I don't know of any other information that our body could look at that has not been looked at for quite a few months. Vice Chairman Archambault stated his agreement with Chairman Whitton's comments. Chairman Whitton stated the chair would entertain a motion.

Vice Chairman Archambault moved the Conditional Use Permit be granted based on the findings presented tonight considering the public welfare, the location, the safety of the plant, that the Board is in agreement that the chemicals involved in the wood treatment would not be unsafe to the environment based on their review of the information tonight, with the following conditions: 1) That there be an access road to the plant, 2) That the tree line along the road easement would have to remain. Mr. Ryan seconded the motion. The motion to approve the request carried unanimously.

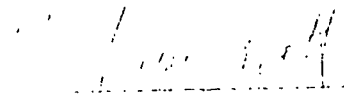
Chairman Whitton commented that he knew that this is not very popular but the Board is concerned for safety and we don't want there to be anyone at risk from this plant; but we have not seen any evidence of any risk involved. Chairman Whitton pointed out this is not a two week issue as it has been going on all summer.

Mr. Ryan moved for adjournment; Vice Chairman Archambault seconded. The motion carried unanimously. The meeting adjourned at 8:20 P.M..

RESPECTFULLY SUBMITTED

CLERK

APPROVED: _____


L.A. Archambault, II
Vice Chairman

NOTICE OF CONDITIONAL USE PERMIT

Notice is hereby given that a Conditional Use Permit No. CP83-11-11 has been granted by the Boone County Board of Adjustment to Quality Forest Products, Inc. for real property generally located in unincorporated Boone County south of Kentucky Highway 16, adjacent to and East of I-75, zoned Industrial One (I-1), in accordance with Article 10, Sections 1030 through 1036, of the Boone County Zoning Order. This permit contains certain terms and conditions and the purpose authorized by the permit is subject to these terms and conditions that expressly appear on the permit, a copy of which is attached hereto, marked as EXHIBIT "A" and is incorporated herein by reference as if fully set out.

The real property which is subject to the permit and its terms is more particularly described as follows:

GROUP NO. 2002 DEED BOOK NO. 240 PAGE NO. 38

Being part of an original tract as recorded in Deed Book 240, page 38 and lying and being in the state of Kentucky and county of Boone located on the south side of Ky. Hwy. #16 approximately 1/2 mile west of its intersection with U.S. #25 lying west of right-of-way of L&N Railroad and being more particularly described as follows: BEGINNING at a stake in the right-of-way of Ky. #16 the north east corner of the entrance road to the farm; thence with the line of All Saints and Bill Krekler S07°-15'-16"E 1,513.95 feet to a point in the line of Krekler; thence with his line S11°-43'-52"E 1,420.34 feet to a corner post being point A on plat and real beginning; thence leaving Krekler and along new made line of J.R.S. Farms, Inc. S23°-16'-56"W 244.26 feet to an iron pin by iron post; thence with new division line S04°-15'-10"W 301.96 feet to an iron pin by post; thence S50°-21'-19"W 105.73 feet to an iron pin by post; thence S04°-06'-42"E 116.34 feet to a post; thence S04°-17'-42"E 118.43 feet to an iron pin; thence S02°-50'-09"E 569.28 feet to an iron pin; thence S02°-03'-41"E 329.02 feet to an iron pin; thence S35°-46'-55"E 202.92 feet to an iron pin in line of L&N Railroad; thence leaving J.R.S. Farms, and along said railroad N52°-00'-59"E 178.69 feet to a stake; thence with same N24°-40'-37"E 654.96 feet to a stake in

old fence; thence N14°-40'-19"E 300.18 feet to a tack in post; thence N89°-43'-35"W 60.72 feet to a tack in post; thence N00°-08'-27"W 272.24 feet to a stake in fence; thence N06°-03'-15"E 282.93 feet to a stake in old fence; thence N18°-09'-47"E 302.03 feet to a stake in fence; thence N25°-12'39"E 134.92 feet to a post; thence N26°-16'-55"E 363.90 feet to a corner post of Bill Krekler; thence leaving railroad property and along said Krekler line S62°-05'-38"W 845.32 feet to corner post and point A on plat and real beginning, containing 23.9196 acres and a 70 foot strip being an easement across the land of J.R.S. Farms, Inc. from old road bed corner of Dance and Krekler to point A on plat being subject to all legal highways and legal easements on record and/or in existence.

The terms and provisions of this permit run with the land and the said permit and its terms and provisions are binding upon successors, heirs, assigns, and transferees.

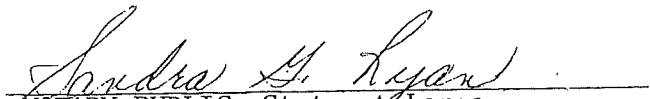
IN WITNESS THEREOF, I.A. Archambault, II, as Vice Chairman of the Boone County Board of Adjustment has hereunto set his hand this 14th day of December, 1983.


I.A. ARCHAMBAULT, VICE CHAIRMAN

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed and sworn to before me by I.A. Archambault, II as Vice Chairman of the Boone County Board of Adjustment on behalf of the Board this 14th day of December, 1983.

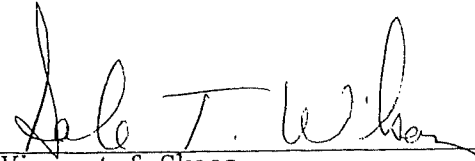

NOTARY PUBLIC, State at Large

My Commission Expires:

August 26, 1987

This instrument was prepared for recording purposes only

by:



Vincent & Skees
Attorneys at Law
7699 Tanners Lane, Suite 100
Florence, Kentucky 41042

NO TITLE EXAMINATION

(Legal description and source of title and group no. furnished by the applicant).

A Conditional use permit is hereby granted
 to Quality Forest Products, Inc.
 for 20+ acres located at adjacent to and East of I-75
 in unincorporated Boone County, south of Ky.Hwy. 16,
 and zoned I-1, for the purpose of constructing and operating
a wood treatment facility in the Industrial One zone

in accordance with article 10 of the Boone County
 Zoning (Order) (Ordinance), subject to the following special conditions:

- 1) That there be an access road to the plant.
- 2) That the tree line along the road easement would have to remain.

Failure to comply with the above cited Zoning regulations and special conditions, or to activate this permitted use within two years after date of approval, shall render this permit null and void and to no effect.

Approved in accordance with the minutes of the Boone County Board of Adjustment
 dated November 28, 1983.

Attest:

Sandra L. Taylor Clerk
[Signature] Vice - Chairman

STATE OF KENTUCKY,)
) : SCT.
 COUNTY OF BOONE,)

I, JERRY W. ROUSE, CLERK OF THE COUNTY COURT IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WAS, ON THE 27 DAY OF Dec, 19 83, AT 4:05 P M. LODGED IN MY OFFICE FOR RECORD, WHEREUPON THE SAME, THE FOREGOING, AND THIS CERTIFICATE HAVE BEEN DULY RECORDED IN MY OFFICE.

GIVEN UNDER MY HAND, THIS THE 27 DAY OF Dec
 19 83.

JERRY W. ROUSE, CLERK
 BY Helen Smart, D.C.

COPY

CLUR # 99-WBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Quality Forest Products
21144 Highway 301 South
Enfield, NC 27823

2. ADDRESS OF PROPERTY

13066 Service Road
Walton, Kentucky

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

STI

DEED BOOK: 312

PAGE NO.:1

GROUP NO.:2082

4. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment: From To Conditional Use Permit

Development Plan Conditional Zoning

Subdivision Plat (Not Recorded) Other:

Variance

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF
ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS
THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

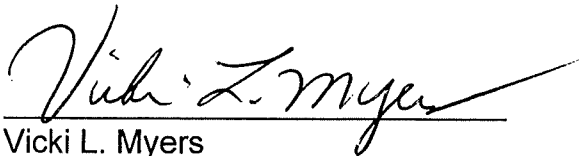

SIGNATURE OF COMPLETING OFFICIAL

Mark Jordan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

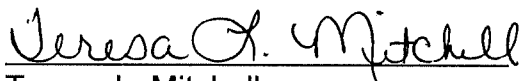
Subscribed, sworn to, and acknowledge before me by Mark Jordan, on behalf of the
Boone County Planning Commission this 12th day of July, 1999.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Condition Use Permit approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of June 17, 1999 Certificate of Land Use Restriction (# 99-WBOA-002-A), for Quality Forest Products, Property Owners.

The following conditions will apply: (1): That the owners apply and comply with site plan approval. (2) That the Conditional Use Permit is granted for a period of nine months.

The approved Conditional Use Permit as well as the preceding conditions apply to the property

described in: DEED BOOK 312

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Group No. 2082