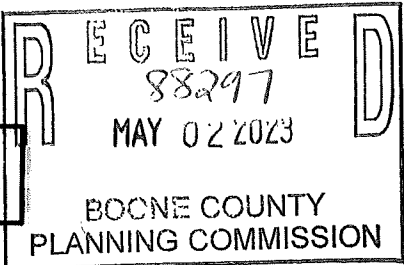


**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Name of Project: Northern Kentucky Aggregates
2. Location of Project: 3989 Belleview Road, Petersburg, Kentucky
3. Total Acreage of Project: Parcel is 96 Acres (proposed portion to be rezoned is 32 acres)
4. Current Zoning of Property: Property is currently partially zoned RS & I-3
5. Proposed Zoning of Property (classification being requested): Re-zone 32 acre portion of the property from RS to I-3
6. Proposed Use(s) (specify each use):
Sand and gravel mining and processing (see attached Application Addendum for more detail).
7. Proposed Building Intensities (specify for each building):
There will be no additional buildings constructed on the property.
8. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
9. Current Owner: Timothy William Hitzfield, Daniel Lynch Hitzfield, Joseph Gerard Hitzfield, Nancy Hitzfield
Address: 420 Quissenberry Pike
Worthville Kentucky 41098
City State Zip Code
Phone Number: 502-463-2062 Fax Number: _____
Email: timhitzfield@yahoo.com
10. Applicant: Northern Kentucky Aggregates, Inc.
Address: 11641 MOSTELLER RD STE 1
Cincinnati OH 45241
City State Zip Code
Phone Number: 513-326-6724 Fax Number: _____
Email: Dennis.Garrison@jrjnet.com
11. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 5/2/23 Fee Received: \$ 3956 Receipt #: 88297
2. Number of Copies Received: 7
3. Has the following been submitted (check all that apply):
 - Completed Application
 - Concept Development Plan
 - Legal Description
 - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: M. Schwartz
6. Committee Chairperson: C. Gulick
7. Scheduled Public Hearing Date: 6/21/2023
8. Boone County Planning Commission Action: _____ Date of Action: 8/21/2023
 - _____ Approved
 - Approved with Conditions
 - _____ Denial
 - _____ Other
9. Resolution Number: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

EXHIBIT

“A”

STAFF REPORT

#1

Request of **Northern Kentucky Aggregates, Inc., per Dennis Garrison (applicant) for Timothy William Hitzfield, Daniel Lynch Hitzfield, Joseph Gerard Hitzfield, and Nancy Hitzfield (owners)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial Three Surface Mining (I-3) for an approximate 32 acre area located at 3989 Belleview Road, Boone County, Kentucky. The request is for the expansion of an existing sand and gravel mining operation on an overall approximate 78 acre area located at 3989 Belleview Road, Boone County, Kentucky.

June 21, 2023

REQUEST

- A. The submitted request is to rezone an approximate 32 acre area of an approximate 78 acre lot located at 3989 Belleview Road from Rural Suburban (RS) to Industrial Three Surface Mining (I-3).

SITE HISTORY

- 1980 The site was originally zoned RS and I-3
- 2001 On September 14, 2001, the Boone County Planning Commission approved a Minor Site Plan for an office unit.
- 2004 On March 26, 2004, the Boone Board of Adjustment approved a Variance for an eighty (80) foot tall sand classification system (BCBOA-04-008).

APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
 2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
 3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- B. Section 505.4 of the Boone County Zoning Regulations identifies sand, gravel, rock, clay, silt, shale, stone, and other mineral extraction from pits upon to the surface in conformance with a Surface Mining Special Use Permit issued by the Planning Commission as a permitted use in the I-3 district.
- C. Section 1104.A of the Boone County Zoning Regulations states that the intent of the Industrial Three district is to regulate surface mining excavation, extraction, processing, storage, loading, hauling, and unloading of sand, gravel, rock, clay, shale, stone, coal, and similar natural resources and for treatment and processing of such products which may

be produced from such raw materials.

- D. Section 1104.5 of the Boone County Zoning Regulations provides for performance standards for uses within the I-3 district.
- E. Section 1104.6 of the Boone County Zoning Regulations provides for district compatibility standards for uses within the I-3 district.
- F. Section 1104.7 of the Boone County Zoning Regulations provides for reclamation requirements.

SITE CHARACTERISTICS

- A. The approximate 32 acre area, being a part of an approximate 78 acre property, is located along the west side of Belleview Road, approximately 1,800 feet north of Lucas Park Drive.
- B. The site has approximately 1,600 feet of frontage along Belleview Road.
- C. The approximate 78 acre property is currently occupied by the historic Hitzfield House and agricultural/undeveloped land.
- D. The approximate 78 acre property is currently accessed from a single curb cut onto Belleview Road.
- E. The western one-quarter of the approximate 78 acre property is located within the 100-Year floodplain of the Ohio River.
- F. Topographically, the approximate 78 acre property is relatively flat until the limit of the 100-year floodplain. From there, the property slopes downward towards the Ohio River.

ADJACENT LAND USES AND ZONES

- North: Northern Kentucky Aggregates (I-3)
- South: Single-family residential dwellings (RS)
- East: Single-family residential dwellings and agricultural/undeveloped land (RS)
- West: Ohio River (I-3)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for "Rural Lands" and "Industrial" uses, which are described as follows:
 - 1. Rural Lands: - Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural Lands does not occur in a formal subdivision.
 - 2. Industrial: Manufacturing, wholesale, warehousing, distribution, assembly,

mining, and terminal uses.

- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
1. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
 2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
 3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 4. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
 5. Plans for new or redeveloped commercial, industrial, institutional, and residential sites shall be reviewed and reasonable measures taken to ensure identification and protection of significant cultural resources (Natural and Cultural Resources Goal C, Objective 8).
 6. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 7. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
 8. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
 9. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy Goal B, Objective 5).
 10. Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy Goal B, Objective 7).
 11. Provisions shall be made for proper control of industrial uses that involve processes or products that could be hazardous to human life and property (Economy Goal B, Objective 8).
- C. Belleview Road is a state maintained arterial street providing for two way traffic within two driving lanes. There are no sidewalks along the roadway.
- D. The following are excerpts from Our Boone County Plan 2040:
1. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline.

Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Land Use, Future Land Use Development Guidelines, Buffering, pages 95-96).

2. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).
3. Petersburg could potentially be a resource for heritage tourism in the county due to its history and river frontage. The extraction of gravel along the Ohio River in this area should continue at established sites but new locations for extractive operations should be discouraged so as to allow alternative uses, such as recreational and low density residential development. This should lead to an appropriate balance of uses along Boone County's substantial river frontage, including access for recreational uses. Inactive sand and gravel extraction sites along the river should undergo the reclamation process described in the Boone County Zoning Regulations, or be converted into recreation opportunities. The land to the north of Petersburg

should be maintained for eventual low density residential, and recreational uses. There are also sites of archaeological significance in this section of the county which should be identified and preserved. In fact, the entire town and river plain area surrounding it, have high potential for burial and village sites to be found by any type of modern construction. Public infrastructure installation and private construction needs to be done carefully and under supervision of 107 knowledgeable authorities. The existing pay fishing lake area and Taylor Creek should be considered for a future wildlife habitat area. Development in the Petersburg area should protect the scenic characteristics of the hillsides and river plains (Land Use, Description and Purpose of Land Use Maps, Future Land Use Geographic Areas, 5 - Petersburg, pages 106-107).

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:
1. Use of the approximate 78 acre property for the continued mining of sand and gravel.
 2. Provision for buffer yards and landscaping.
 3. Retention of the existing historic Hitzfield House.
 4. Access from the existing Northern Kentucky Aggregates property.
- B. Staff has reviewed the submitted Concept Development Plan against the Boone County Zoning Regulations and finds that it substantially meets the requirements of the zoning regulations.
- C. The applicant has provided information stating that no additional truck traffic will be generated.
- D. The applicant has provided an Application Addendum, which includes:
1. An introduction
 2. History of Northern Kentucky Aggregates
 3. Information about the site
 4. Northern Kentucky Aggregate's Existing Mining Operations
 5. Existing Permits
 6. Concept Plan Description
 7. Development Plan Issues
 8. Property Deeds
 9. Cross Section Map
 10. Noise Control Report
 11. Correspondence with Local and State Agencies
- E. Staff sent out an Agency Memo to the Boone County Building Department, Boone County Public Works, Kentucky Transportation Cabinet, and the Petersburg Fire District:
1. Mark Martin, Boone County Building Department, replied that he had no

- comments.
2. Linzy Brefeld, KYTC, replied that she had no comments.
 3. Rob Franxman, Boone County Public Works, replied that he had no comments.

STAFF CONCERNS

- A. A two hundred seventy (270) foot wide landscaped buffer is being provided along Belleview Road and the adjacent residential properties.
- B. The applicant has indicated that the proposed map amendment will not create any additional truck traffic and will not increase the output of the existing mining operation. The applicant should address how this will be done with the proposed increase in area.
- C. There is an existing berm along Belleview Road. The applicant should address whether this berm will be extended along Belleview Road and along the common property line with the adjacent residential uses. Additionally, if the berm is to be extended, the applicant should address how high the berm will be.

CONCLUSION

The zoning map amendment request needs to be evaluated by the Boone County Planning Commission and the Boone Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz
Director, Zoning Services

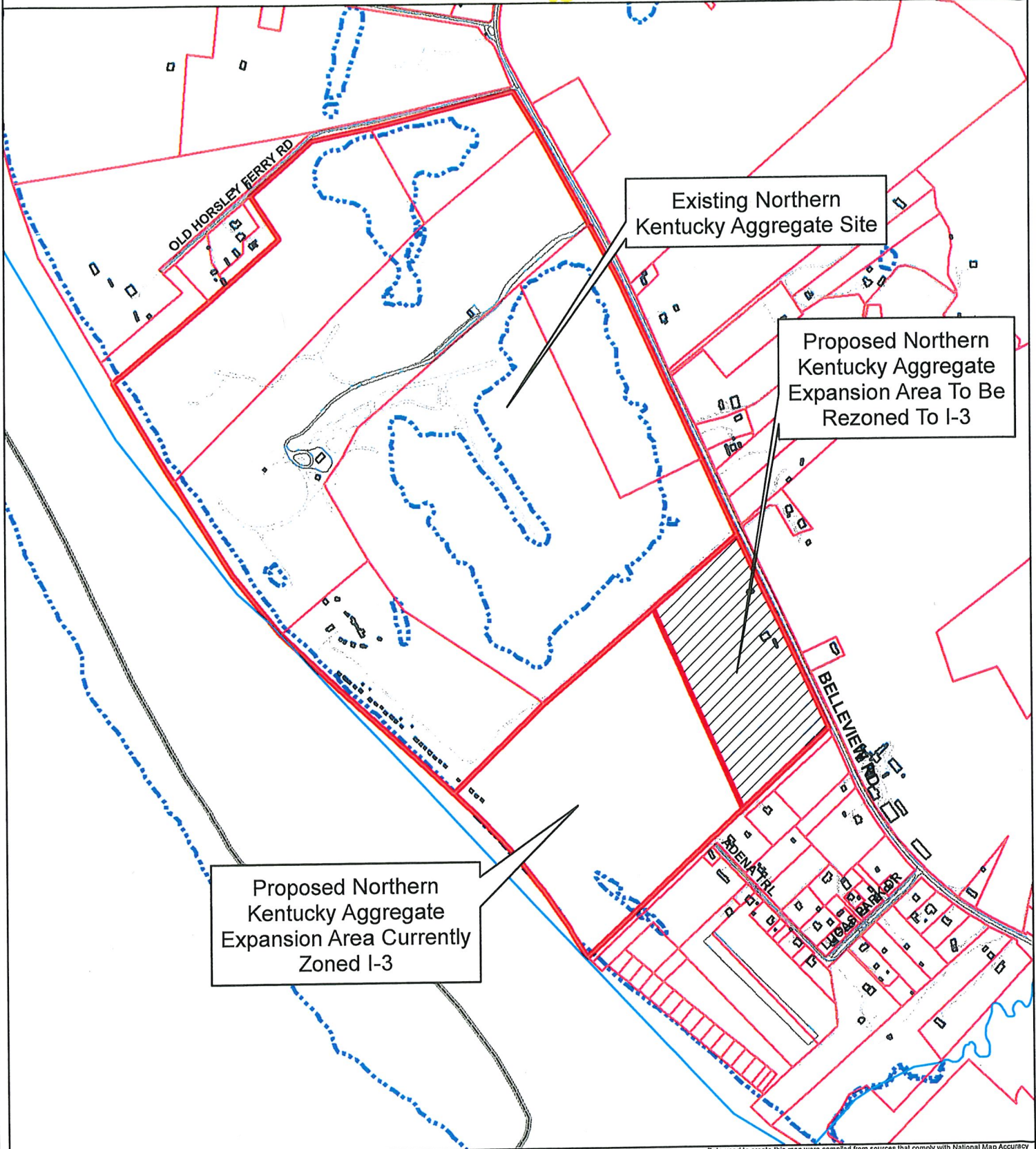
MDS/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographic and Floodplain Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Concept Development Plan
- *Application Addendum
- *Concept Development Plan – Section 303
- *Development Plan – Section 1104.3.A.1.a
- *Hitzfield Cross Section
- *Sound Pressure Level Report
- *Correspondence from Local and State Agencies

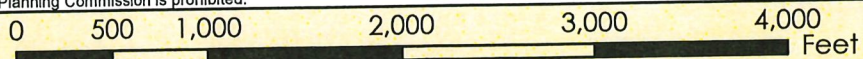
Vicinity Map

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1 inch = 1,000 feet



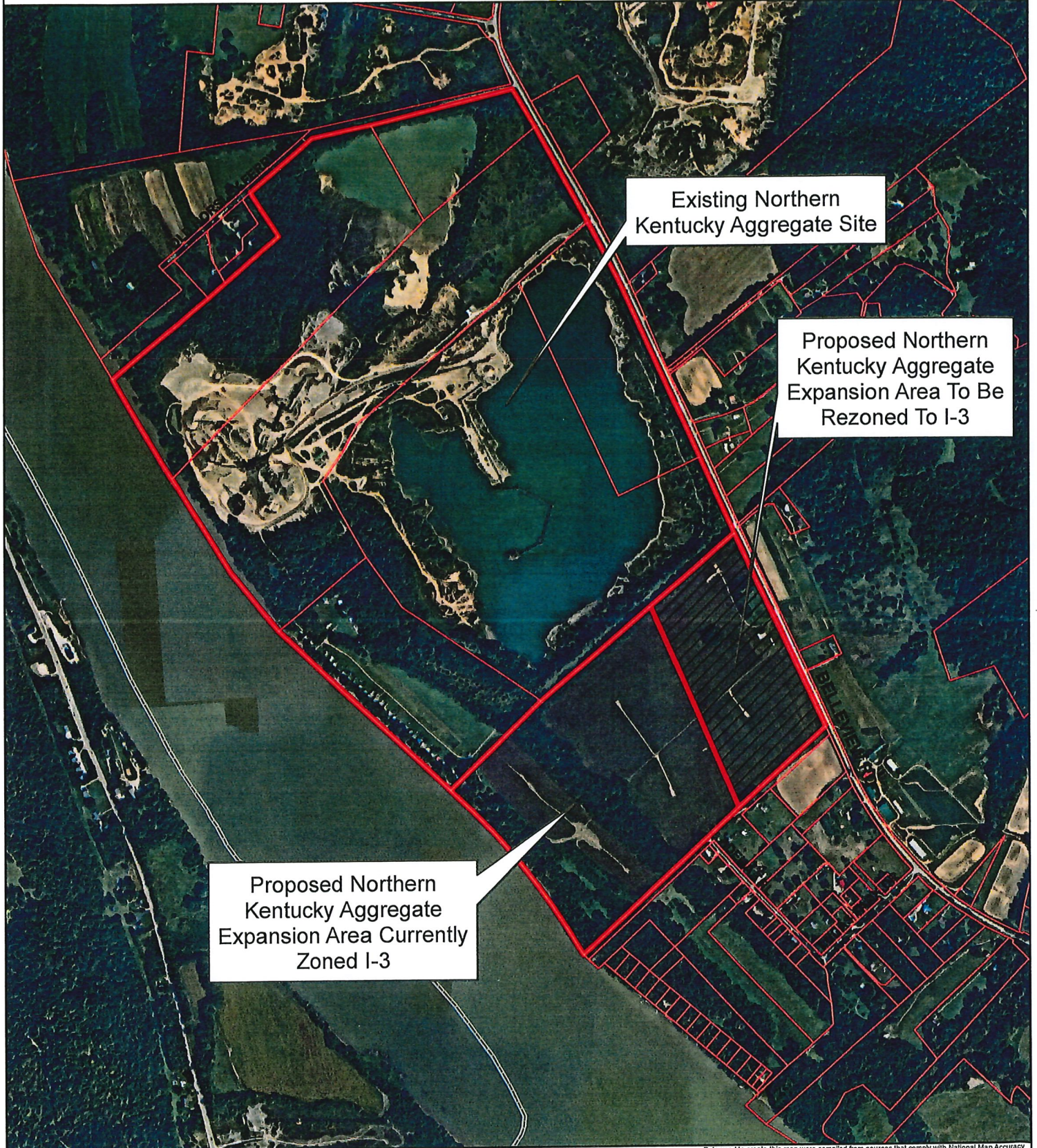
Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

Aerial Map

www.boonecountygis.com



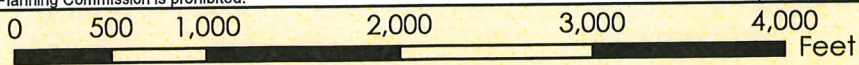
Existing Northern Kentucky Aggregate Site

Proposed Northern Kentucky Aggregate Expansion Area To Be Rezoned To I-3

Proposed Northern Kentucky Aggregate Expansion Area Currently Zoned I-3

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Boone County GIS - Putting Northern Kentucky on the Map

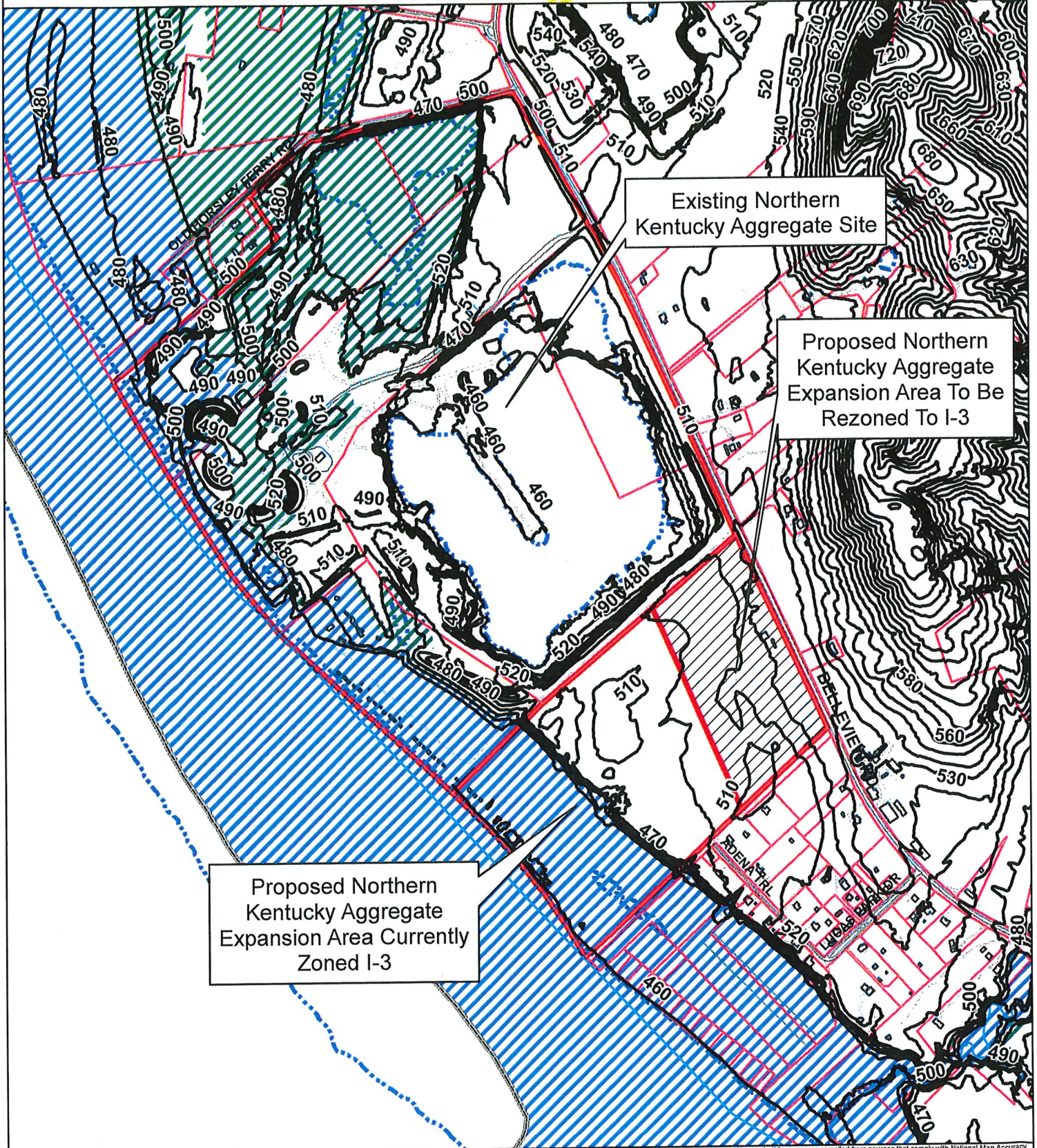


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Topographic and Floodplain Map

www.boonecountygis.com



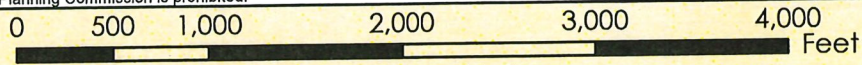
Existing Northern Kentucky Aggregate Site

Proposed Northern Kentucky Aggregate Expansion Area To Be Rezoned To I-3

Proposed Northern Kentucky Aggregate Expansion Area Currently Zoned I-3

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Boone County GIS - Putting Northern Kentucky on the Map

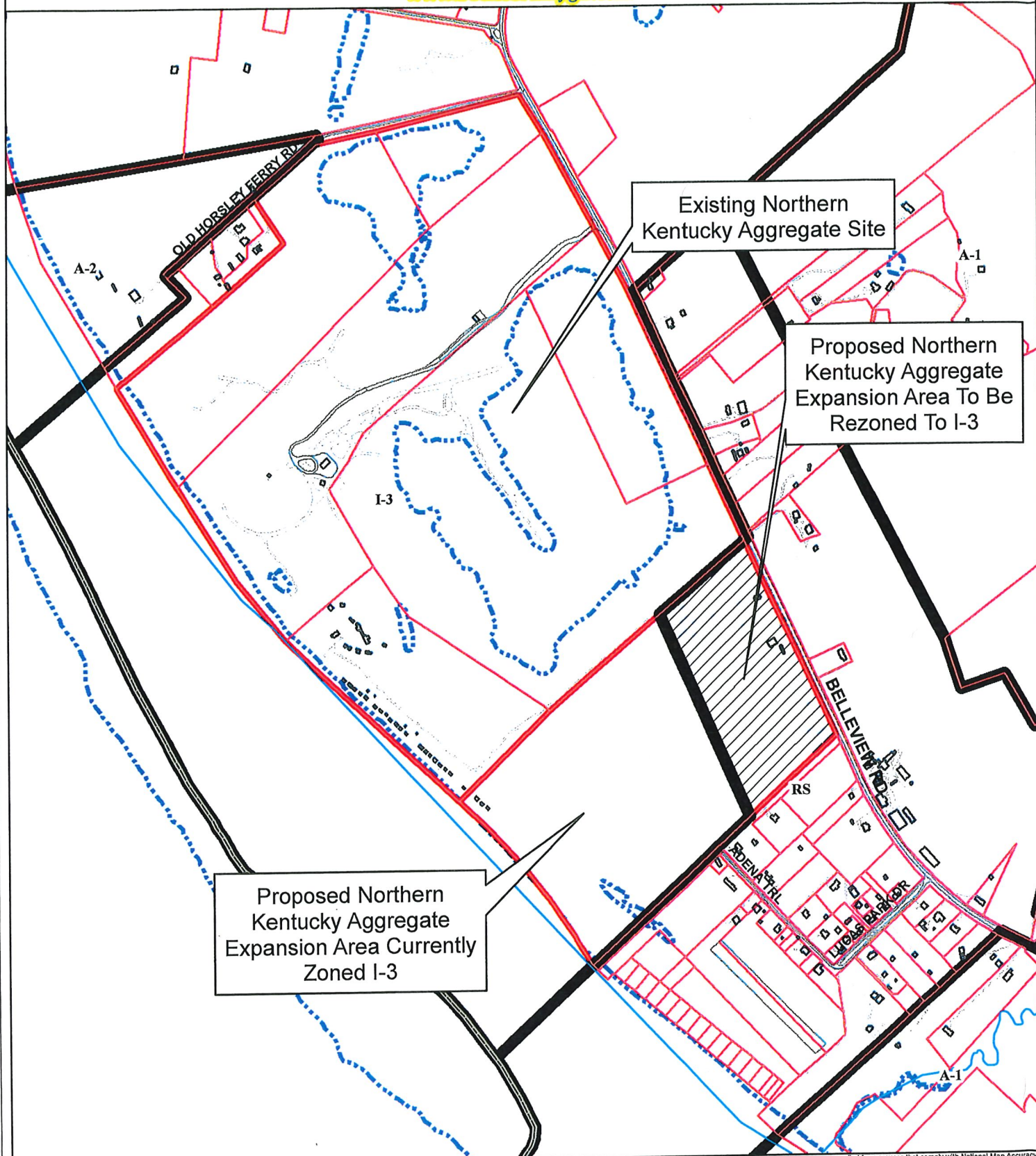


Map Created: xx/xx/2022

Map File: Northern Kentucky 2022.mxd
ArcMap Document: *.mxd

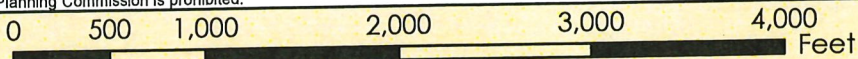
Zoning Map

www.boonecountygis.com



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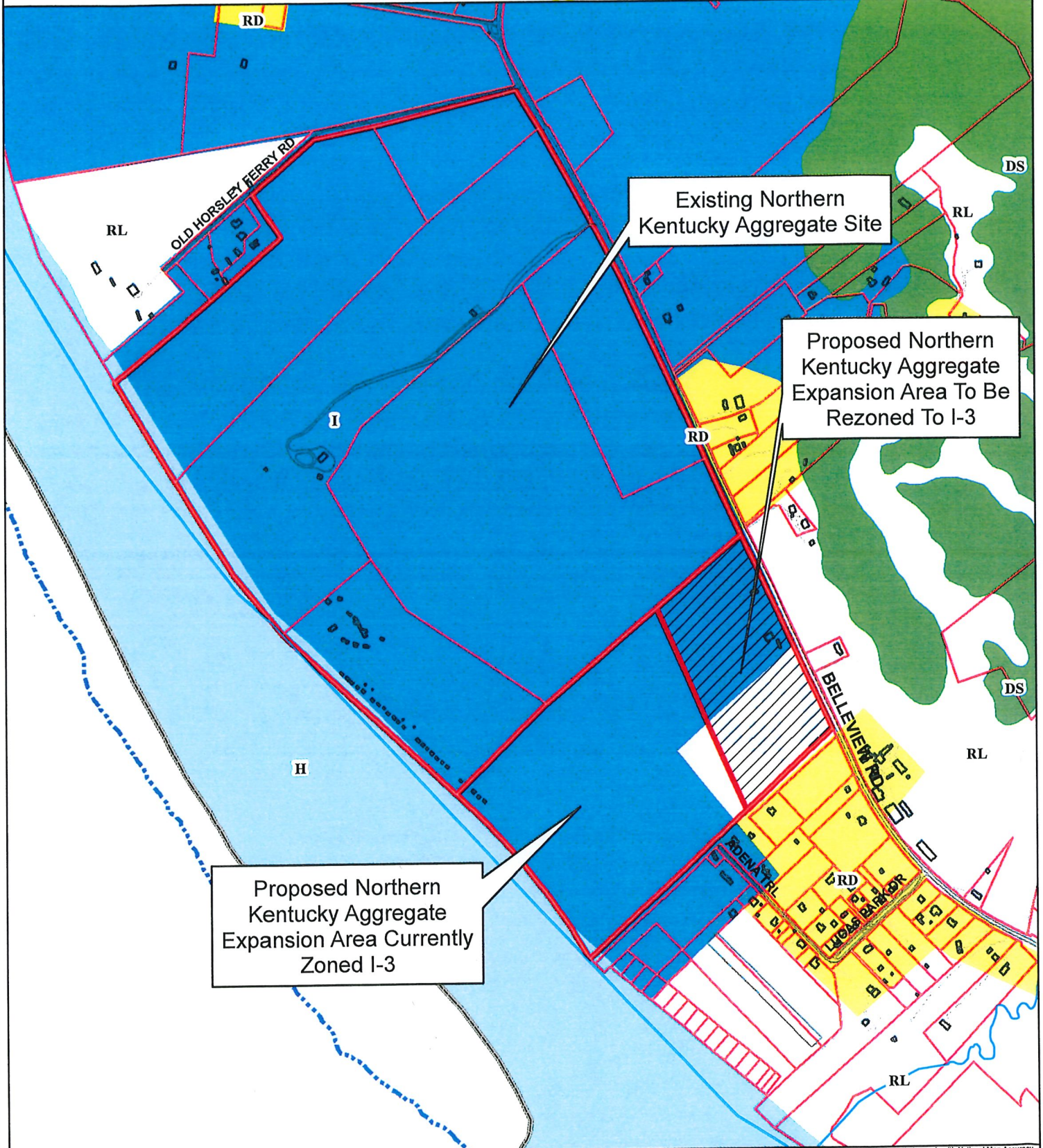


Boone County GIS - Putting Northern Kentucky on the Map



2040 Future Land Use Map

www.boonecountygis.com



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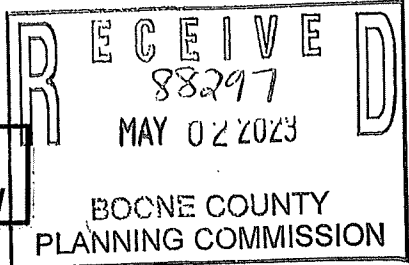
Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2022

Boone County GIS
ArchMap Document: *.mxd

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

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

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Sand and gravel mining and processing (see attached Application Addendum for more detail).
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There will be no additional buildings constructed on the property.
8. Are you applying for any of the following (check all that apply):
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9. Current Owner: Timothy William Hitzfield, Daniel Lynch Hitzfield, Joseph Gerard Hitzfield, Nancy Hitzfield
Address: 420 Quissenberry Pike
Worthville Kentucky 41098
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Phone Number: 513-326-6724 Fax Number: _____
Email: Dennis.Garrison@jrjnet.com
11. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____

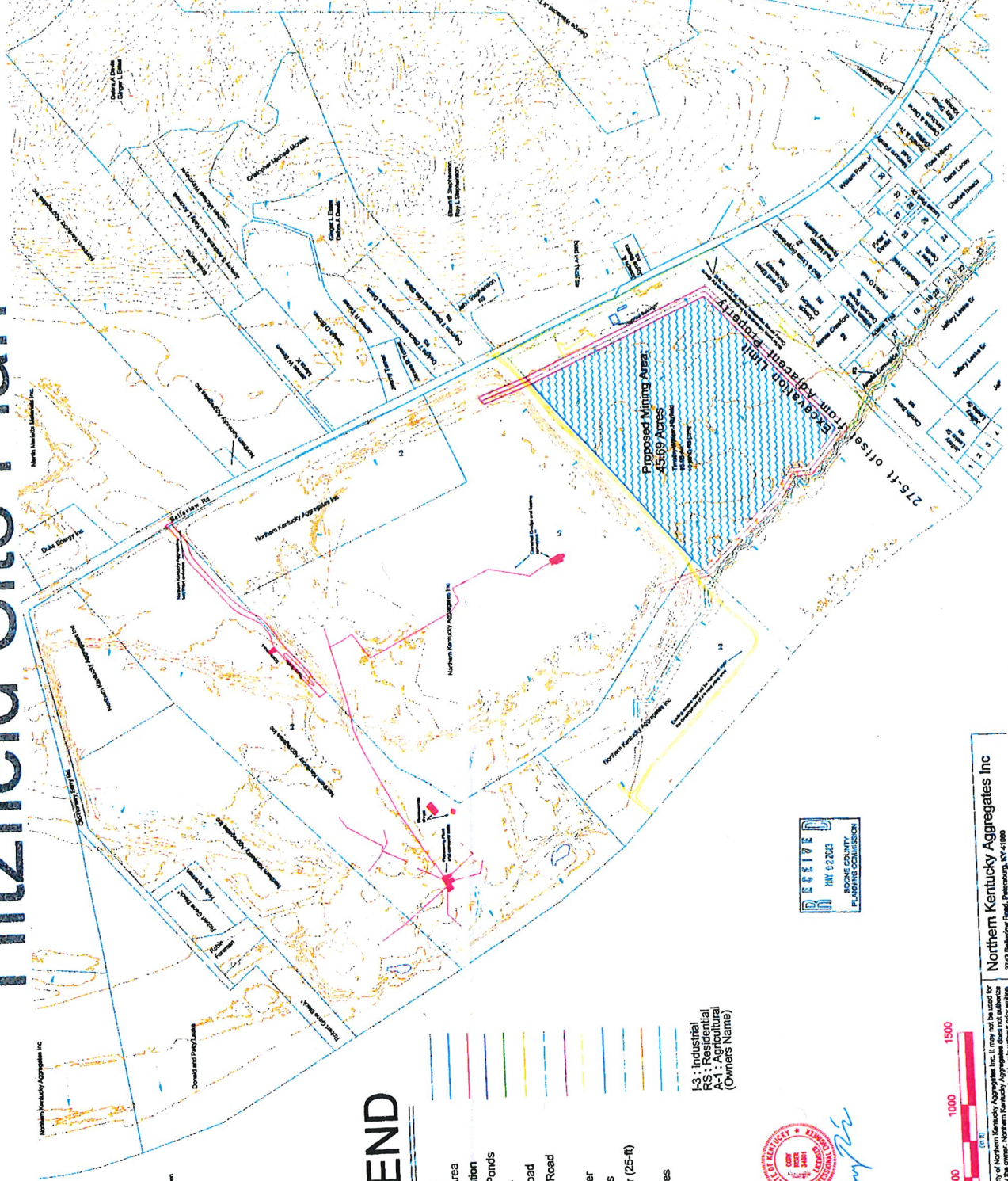
SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 5/2/23 Fee Received: \$ 3956 Receipt #: 88297
2. Number of Copies Received: 7
3. Has the following been submitted (check all that apply):
 - Completed Application
 - Concept Development Plan
 - Legal Description
 - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: _____
6. Committee Chairperson: _____
7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: _____
 - _____ Approved
 - _____ Approved with Conditions
 - _____ Denial
 - _____ Other
9. Resolution Number: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountky.org
www.boonecountky.org

Hitzfield Site Plan

Date: 12/01/2023	Checked by -	Approved by - Date	File Name -
Ref # -			



- 1-4: H & B, Brian Bohn
- 5: Debra A. Voss, Brian
- 6: Robert J. Bland, Brian
- 7: Robert J. Bland, Brian
- 8: Robert J. Bland, Brian
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- 50: Robert J. Bland, Brian

LEGEND

- Parcel Boundaries
- Proposed Mining Area
- Current Plant Location
- Current Drainage Ponds
- Vegetation Buffers
- Existing Access Road
- Proposed Access Road
- Proposed Berm
- Existing Plant cover
- Existing Structures
- Flood Plain Buffer (25-ft)
- Contours (10-ft)
- Existing Powerlines
- Water Drainage
- Zoning Labels

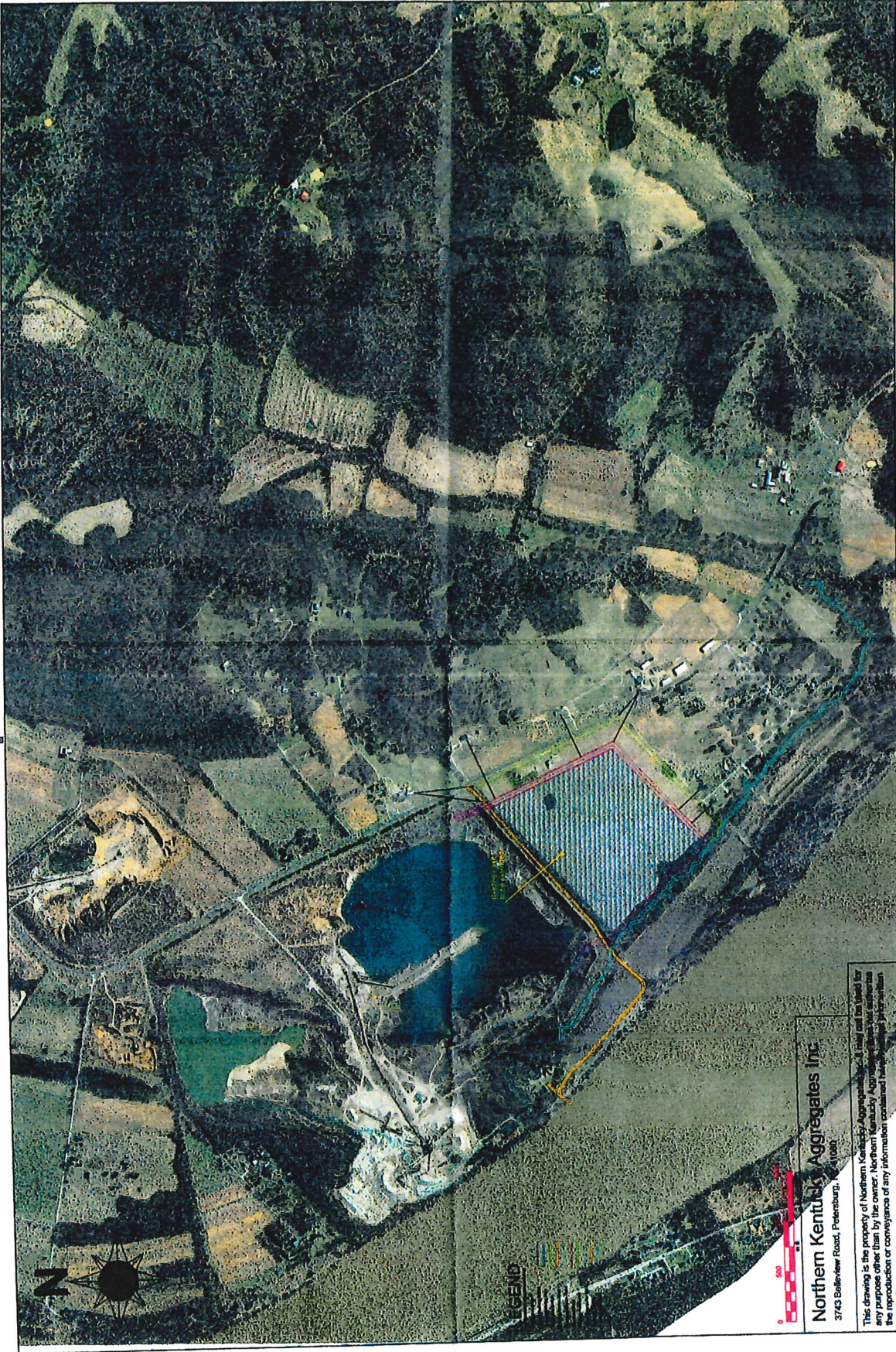


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Northern Kentucky Aggregates Inc

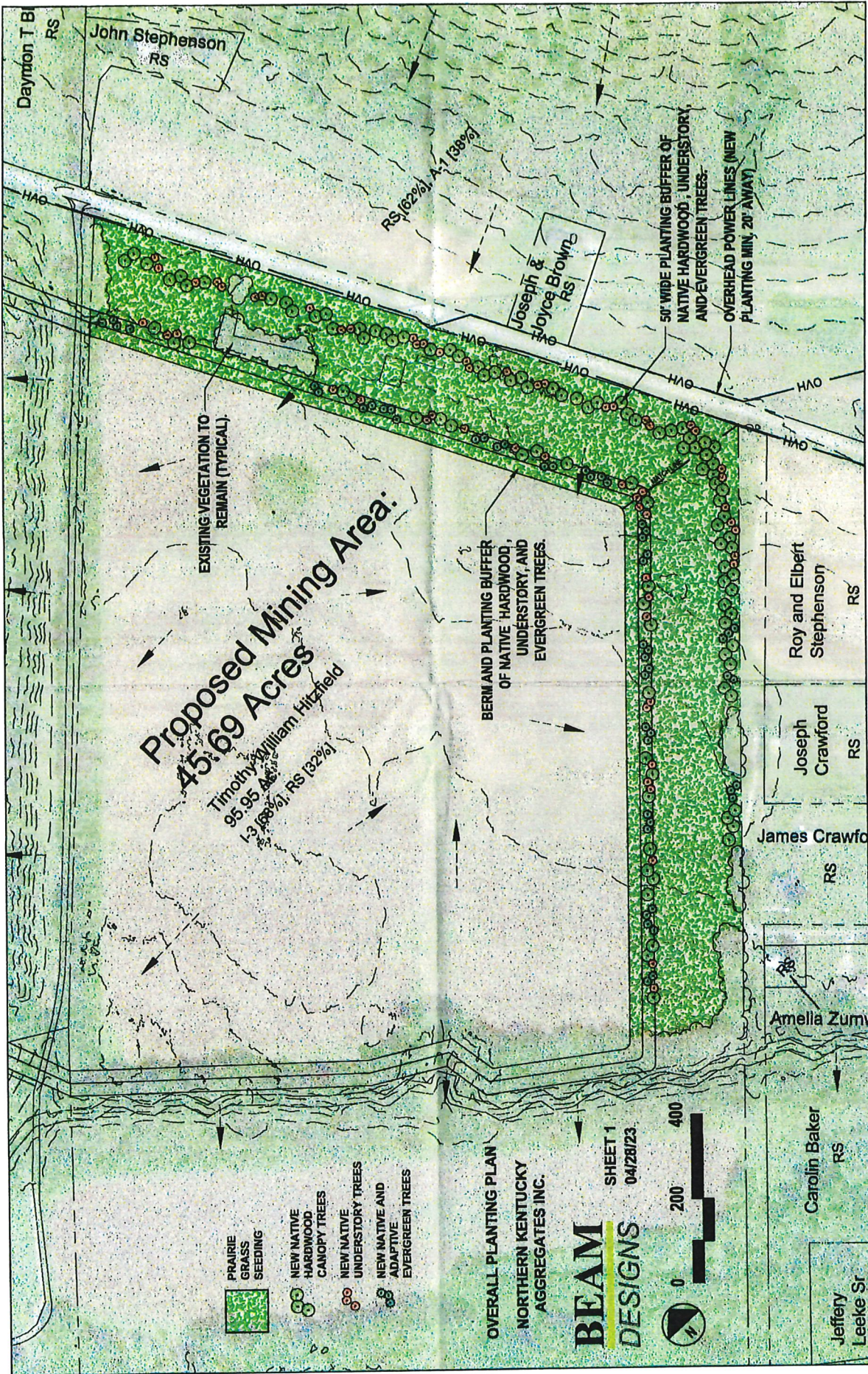
Development Plan

Date: 11/21/2022	File #:
Checked by:	Approved by - Date:
File Name:	*These two parcels are listed in the database as one parcel.



Northern Kentucky Aggregates Inc.
 3743 Bollinger Road, Petersburg, KY 40381

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Proposed Mining Area:
 45.69 Acres
 Timothy William Fitzfield
 95.95 Acres
 1-3 (68%), RS (32%)

EXISTING VEGETATION TO REMAIN (TYPICAL)

BERM AND PLANTING BUFFER OF NATIVE HARDWOOD, UNDERSTORY, AND EVERGREEN TREES.

50' WIDE PLANTING BUFFER OF NATIVE HARDWOOD, UNDERSTORY AND EVERGREEN TREES.
 OVERHEAD POWER LINES (NEW PLANTING MIN. 20' AWAY)

- PRAIRIE GRASS SEEDING
- NEW NATIVE HARDWOOD CANOPY TREES
- NEW NATIVE UNDERSTORY TREES
- NEW NATIVE AND ADAPTIVE EVERGREEN TREES

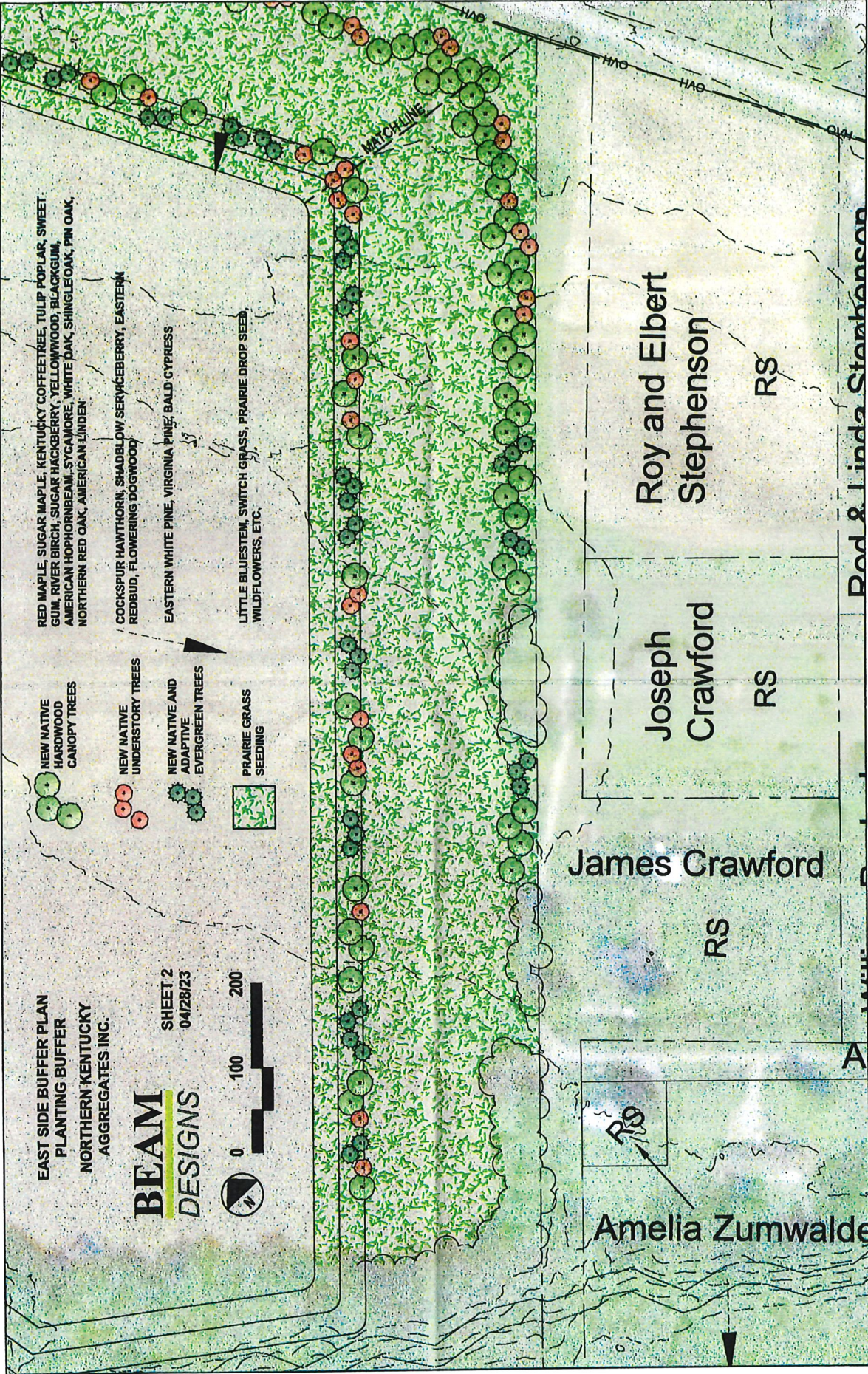
OVERALL PLANTING PLAN
 NORTHERN KENTUCKY AGGREGATES INC.

BEAM
 DESIGNS

SHEET 1
 04/28/23



John Stephenson
 Rs
 Joseph & Joyce Brown
 Rs
 Roy and Elbert Stephenson
 Rs
 Joseph Crawford
 Rs
 James Crawford
 Rs
 Amelia Zumwalt
 Rs
 Carolyn Baker
 Rs
 Jeffery Leeke Sr



RED MAPLE, SUGAR MAPLE, KENTUCKY COFFEE TREE, TULIP POPLAR, SWEET GUM, RIVER BIRCH, SUGAR HACKBERRY, YELLOWWOOD, BLACKGUM, AMERICAN HOPHORNBEEAM, SYCAMORE, WHITE OAK, SHINGLE OAK, PIN OAK, NORTHERN RED OAK, AMERICAN LINDEN

COCKSPUR HAWTHORN, SHADBLOW SERVICEBERRY, EASTERN REDBUD, FLOWERING DOGWOOD

EASTERN WHITE PINE, VIRGINIA PINE, BALD CYPRESS

LITTLE BLUESTEM, SWITCH GRASS, PRAIRIE DROP SEED, WILDFLOWERS, ETC.

NEW NATIVE HARDWOOD CANOPY TREES

NEW NATIVE UNDERSTORY TREES

NEW NATIVE AND ADAPTIVE EVERGREEN TREES

PRAIRIE GRASS SEEDING

EAST SIDE BUFFER PLAN
PLANTING BUFFER
NORTHERN KENTUCKY
AGGREGATES INC.

BEAM
DESIGNS

SHEET 2
04/28/23



Roy and Elbert
Stephenson
RS

Joseph
Crawford
RS

James Crawford
RS

Amelia Zumwalde
RS

Rod & Linda Stanbancan

APPLICATION ADDENDUM
Northern Kentucky Aggregates, Inc.

Introduction

Northern Kentucky Aggregates submits the following material in support of its application for a zoning map amendment to rezone a portion of a parcel of property located at 3989 Belleview Road, Petersburg, Kentucky (the “**Subject Property**”). Currently, the Subject Property is partially zoned Industrial Three (“I-3”) (approximately 68%) and partially zoned Rural Suburban (“RS”) (approximately 32%). The portion of the property currently zoned RS consists of approximately 32 acres of the 96 acre parcel.

Since 1976, Northern Kentucky Aggregates has been operating a sand and gravel mining operation at an abutting property commonly referred to as 3743 Belleview Road, Petersburg, Kentucky (“**Current Mining Property**”). Northern Kentucky Aggregates currently owns an approximately 324 acre site abutting the Subject Property (Northern Kentucky Aggregates utilizes approximately 80 acres of the land abutting the Subject Property for its sand and gravel mining operations). See attached Area Map attached as Exhibit E.

Northern Kentucky Aggregates desires to have the 32 acres on the Subject Property rezoned from RS to I-3 in order to shift its existing mining operations from its Current Mining Property to the Subject Property. This would involve expanding the existing lake (all mining activity takes place on the lake) on the Current Mining Property to the Subject Property (the “Proposed Mining Area as depicted on the Site Plan (Exhibit B)). As described in more detail below, this will result in no change to the volume of mining that is currently being conducted by Northern Kentucky Aggregates.

About Northern Kentucky Aggregates

Northern Kentucky Aggregates has been operating its existing sand and gravel mining operations on Belleview Road since 1976. Northern Kentucky Aggregates has been actively supplying sand and gravel to construction, road, and industrial projects in the Northern Kentucky area for almost 50 years. Some notable projects include the construction and reconstruction of I-275 and I-75, numerous county road projects, and various housing developments. Northern Kentucky Aggregates also played a role in the expansion of the Greater Cincinnati International Airport, which included the construction of Concourse C and the installation of underground trams. Northern Kentucky Aggregates has supported Boone/Kenton Water Rescue by providing a place for training in the lakes and has employed various local volunteer fire department personnel. Northern Kentucky Aggregates has also participated in the Boone County Comprehensive Plan updates throughout the years.

Overall, Northern Kentucky Aggregates has made significant contributions to the development and infrastructure of Northern Kentucky and has a strong track record of collaboration with local organizations

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which it will continue. Allowing Northern Kentucky Aggregates to shift its mining operations to the Subject Property, Northern Kentucky Aggregates will continue to play a role in the economy and community of Boone County for the decades ahead.

About the Subject Property

The Subject Property is currently owned by members of the Hitzfield family. According to the Hitzfield family, the Subject Property has been used for residential and agricultural purposes for nearly 150 years (from approximately the 1840's until 1985). The Hitzfield family operated the Subject Property as a farm. Since 1985 the farm has been rented on a per acre basis to various tenants. There is a house that sits on the property that was built in the 1940's and a barn that was built in the 1930's (see below for more information regarding the house and barn). There are no other structures on the Subject Property.

Information regarding the barn and house on the Subject Property

The Boone County Architectural Survey describes the barn as a "privy, timber frame tobacco barn" with an unknown date of construction (See pg. 151 of the Boone County Architectural Survey). The house is not mentioned in the Boone County Architectural Survey. As mentioned above, according to the current owners of the Subject Property, the barn was built in the 1930's and has been expanded and modified multiple times over the years. It is in relatively poor condition.

Neither the barn nor the house are listed on the National Register of Historic Places (confirmed with Kentucky Heritage Council and a search of the national registry). The barn and house are not considered a "Historic Landmark" under the Boone County Zoning Code and the Subject Property is not within a Historic Overlay (the applicant has conferred with Boone County Historic Preservation). While it does not appear that either structures would be regulated by any historic preservation regulations, it should be noted that both structures sit in the required buffer area that cannot be mined.

Northern Kentucky Aggregates' Existing Mining Operations

Northern Kentucky Aggregates conducts sand and gravel mining operations on the Current Mining Property. As mentioned above, Northern Kentucky Aggregates currently owns an approximately 324 acre site abutting the Subject Property (Northern Kentucky Aggregates utilizes approximately 80 acres of the land abutting the Subject Property for its sand and gravel mining operations). The Current Mining Property contains a scale house and scale (a small building used as an office and scale to weigh trucks), a processing plant (sand and gravel is sorted and processed), conveyors (to carry the sand and gravel from the lake to the processing plant), a dredge (the equipment in the lake that mines the sand and gravel), and various other

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pieces of equipment. All of these existing structures and equipment will be used in association with the proposed development (i.e., there will be no structures or equipment used in association with the proposed mining activities on the Subject Property).

Presently, Northern Kentucky Aggregates produces approximately 400,000 tons of sand and gravel per year. There are an average of 40-60 trucks per day that visit Northern Kentucky Aggregates. Again, Northern Kentucky Aggregates proposes to simply shift its operations to the Subject Property so there will be no increase in total mining activity, as such, the volume of truck traffic will remain the same under the proposed development.

Northern Kentucky Aggregates' Existing Permits

Northern Kentucky Aggregates currently holds all necessary permits for its existing mining operations on the Current Mining Property, which include the following:

- Air Quality Permit (#S-15-103)
- KPDES "Mineral Mining and On Site Processing" Permit (#KYG840059)
- KY DNR Surface Mining Permit (#008-9605 KNREPC)
- "Permit to Withdraw Public Water" (#1406 and #1407)

Northern Kentucky Aggregates has maintained all applicable permits and remained in good standing throughout its history of operations on the Current Mining Property.

Zoning

Consistent with much of the surrounding area, Northern Kentucky Aggregates' Current Mining Property is zoned I-3. The Subject Property is partially zoned I-3 (approximately 68%) and partially zoned RS (approximately 32%). Sand and gravel extraction is a permitted use in an I-3 district (with a Special Use Permit). The portion of the property to be rezoned consists of approximately 32 acres.

The mining use has existed on the Current Mining Site since 1976 and, as such, is grand-fathered from the Surface Mining Special Use Permit application process. Northern Kentucky Aggregates will seek a Special Use Permit immediately following the conclusion of this zoning map amendment process.

Proposed Use

As mentioned above, Northern Kentucky Aggregates desires to shift its existing sand and gravel mining operations from the Current Mining Property to the Subject Property. This would involve expanding the

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existing lake on the Current Mining Property to the Subject Property (the “Proposed Mining Area” as depicted on the Site Plan (Exhibit B)).

The majority of the equipment and facilities associated with Northern Kentucky Aggregates’ existing mining operations would remain on the Current Mining Property. The scale house and processing plant would remain on the Current Mining Property. The entrance to Belleview Road would also remain on the Current Mining Property as well (there are no plans to build an entrance on Subject Property to Belleview Road).

As depicted on the attached Site Plan (Exhibit B), the following is a summary of improvements and equipment that would be used in connection with Northern Kentucky Aggregates’ mining operations on the Subject Property. Again, no structures will be built on the Subject Property.

- The dredge (the piece of equipment used to mine the sand and gravel) will move from the Current Mining Property to the Subject Property;
- An internal access road will be built to the west of the Proposed Mining Area in order to connect the Subject Property to the Current Mining Property. This internal access road would be used solely by Northern Kentucky Aggregates for accessing its operations on the Subject Property and maintenance of equipment;
- A conveyor (approximately 3,000 feet long) would be installed to convey mined material from the Subject Property to the Current Mining Property.

Special Use Permit (Application #8)

Northern Kentucky Aggregates’ proposed use is a permitted use in the I-3 district so a conditional use permit or variance will not be necessary. Following the completion of the zoning map amendment, Northern Kentucky Aggregates will submit an application for a Special Use Permit for the Subject Property. Note that, as mentioned above, Northern Kentucky Aggregates does not have a Special Use Permit for its existing operations because its mining operations began before the current Special Use Permit process was enacted.

The following are other organizations/agencies the applicant has discussed the application with (#15):

- Kentucky Transportation Cabinet
- United States Army Corps of Engineers
- Kentucky Heritage Council

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- Boone County Historic Preservation

See attached Exhibit L for all correspondence regarding this zoning map amendment application between the applicant and the above referenced entities.

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A(1)(a)—General Site Characteristics

The Subject Property is currently owned by Timothy William Hitzfield, Daniel Lynch Hitzfield, Joseph Gerard Hitzfield, and Nancy Hitzfield. See Deed attached and marked as Exhibit A.

See attached Site Plan (Exhibit B) and Development Plan (Exhibit C) for information regarding existing soils, drainage, vegetation, and other physical characteristics.

A(1)(b)—Transportation Patterns

Northern Kentucky Aggregates proposes to shift its current mining operations to the Subject Property, as such, there will be no increased volume in its mining activity (Northern Kentucky Aggregates will continue to mine approximately 400,000 tons of sand and gravel per year). As a result, existing transportation patterns will remain unchanged.

Northern Kentucky Aggregates' Current Mining Property has one entrance to Belleview Road located at the far north end of its Current Mining Property. This is the only entrance used for ingress and egress to a public road (Bellview Road). This will remain the only entrance for ingress and egress to Belleview Road when mining operations begin on the Subject Property (i.e., no new ingress and egress will be built on the Subject Property).

Currently on the Current Mining Property, the internal road from Belleview Road leads to a "scale house" (a small building) and truck scale where trucks are weighed. Trucks then follow the internal road to the processing plant where they load their selected sand and gravel products. The trucks then return to the scale house and truck scale to be weighed. The trucks then exit to Belleview Road. Typically, the trucks then take routes north to access I-75 and south to access I-275.

There is an existing internal road used by employees of Northern Kentucky Aggregates only on the Current Mining Property. In order to connect the Current Mining Property with the Subject Property, a new internal road will be installed on the western edge of the Proposed Mining Area on the Subject Property and connect to the existing internal road on the Current Mining Property. The new internal road will allow Northern Kentucky Aggregates to access its mining operations on the Subject Property and perform maintenance on the conveyor (that connects to the existing plant on the Current Mining Property). The new internal road will be used by employees of Northern Kentucky Aggregates only. The proposed internal road is depicted on the Site Plan (Exhibit B).

A(1)(c)—Land Use Characteristics

A portion of the Subject Property is currently zoned I-3 (approximately 68%) and partially zoned RS (32 acre portion of the Subject Property accounting for approximately 32% of the total of the Subject Property). The Subject Property is currently used for agricultural purposes (the current owners rent out land on a per acre basis). There are currently two structures on the Subject Property: a barn built in the 1930's and a

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house built in the 1940's. The barn is approximately 80 feet x 40 feet. The house is approximately 47 feet x 63 feet. Both have been vacant for many years.

See attached Site Plan (Exhibit B) and Development Plan (Exhibit C) for the exact location of the structures, depiction of the open spaces, and other land use characteristics.

A(1)(d)—Utilities and Infrastructure

There are no existing utilities or related infrastructure on the Subject Property. Existing power lines along the public right of way on Belleview Road are depicted on Development Plan (Exhibit C).

In order to operate the dredge on the Subject Property, Northern Kentucky Aggregates would extend its existing private electric lines to the Subject Property. As currently proposed, new access to the existing power lines would not be needed.

A(1)(e)—Relationship of Proposed Zone Change with Comprehensive Plan

The Subject Property is in the Petersburg area of the Future Land Use Map of the Comprehensive Plan. The Comprehensive Plan states that "extraction of gravel along the Ohio River in the town of Petersburg should continue at the established sites...." (See Comprehensive Plan pg. 106, Petersburg). The Current Mining Property and the Subject Property sit within a concentration of mining uses. See Area Map (Exhibit E). Therefore, the Property and its use remains consistent with the Comprehensive Plan's goal that "Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses. (See p. 9, Economy Goal B).

In addition, the Proposed Mining Area will consist of the type and character of mining that is currently active along the Ohio River in the Petersburg area (See Comprehensive Plan, page 106). Also, the Belleview/Mcville area, which abuts the Petersburg area to the south, includes the objective "that New extraction operations should be confined to sites adjacent to existing operations between KY 20 and the Ohio River" (See Comprehensive Plan, page 115).

The project is also consistent with the Comprehensive plan in that it is promoting a sustainable economy by allowing Northern Kentucky Aggregates to continue create jobs in Boone County that are compatible with surrounding land uses. (See Comprehensive Plan, page 3).

The project will also preserve and enhance the significant natural resources of Boone County in access to the Ohio River, open space, and native vegetation which are unique and important characteristics of this area (See Comprehensive Plan, page 3). As such, this project will "preserve and promote an overall high quality of life while allowing an economic return" (*Id.*).

Further, the Proposed Mining Area will not hinder or deter development of surrounding undeveloped properties in accordance with the Comprehensive Plan, as the Comprehensive Plan states that this area is

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to be zoned as Industrial, Rural Land and Rural Density Residential. (See Comprehensive Plan, page 9, Economy Goal B).

In summary, because Northern Kentucky is simply expanding its existing site, the proposed development will continue to strike a balance in land uses. And through Northern Kentucky Aggregates long standing track record of responsible land use management, Northern Kentucky Aggregates will continue to contribute to the Boone County economy and support Boone County's unique environmental assets along the Ohio River.

A(1)(f)—Reduction of Concept Development Plan (attached and enclosed)

Not applicable.

A(1)(g)—A variance or conditional use permit is not required

The applicant will submit a Special Use Permit application immediately following the conclusion of the zoning map amendment process.

A(2)(a)—Minimum requirements of items A.1.a-A.1.g

See above.

A(2)(b)—Adjacent property and existing land uses within 200 feet of the parcel.)

See Site Plan (Exhibit B).

A(2)(c)—The location, description and size (acreage) of land uses

The Subject Property is currently used exclusively for agricultural purposes. See attached Site Plan (Exhibit B) and Development Plan (Exhibit C) for the exact location of the structures, depiction of the open spaces, and other land use characteristics. The Subject Property has not been used for residential purposes for many years.

A(2)(d)—Approximate location and number of residential units (if any) along with approximate square footage, density and height

There is currently one (1) house built in the 1940's on the Subject Property that, according to the current owners, has been vacant for many years. The house is approximately 47 feet x 63 feet. According to the current owners, the house has been vacant for many years. See attached Site Plan (Exhibit B) and Development Plan (Exhibit C) for the exact location of the house. Northern Kentucky Aggregates does not plan to build any buildings on the Subject Property.

A(2)(e)— Approximate location and size (square footage) of non-residential buildings

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There is one (1) non-residential building on the Subject Property: a barn that, according to the current owners, was built in the 1930's. The barn is approximately 80 feet x 40 feet. See attached Site Plan (Exhibit B) and Development Plan (Exhibit C) for the exact location of the barn. Northern Kentucky Aggregates does not plan to build any buildings or structures on the Subject Property.

A(2)(f)—The location of public and private roads, rights-of-way, easements and parking

There are no designated parking areas or public rights-of-way on the Subject Property. As noted above, an existing internal road on the Current Mining Property will be removed and a new internal road (for employee use only) will be installed on the western portion of the Subject Property and Current Mining Property in order to allow for access and maintenance related to the mining operations. See Site Plan (Exhibit B) and Development Plan (Exhibit C).

The following are existing recorded easements related to the Subject Property:

- Easement to Consolidated Telephone Company filed November 12, 1965, and recorded in Miscellaneous Book 35, Page 170, of the Boone County Records.
- Reservations, restrictions, covenants, limitations, easements and/or other conditions as stated in instruments filed March 12, 2021 in Book D1161, Page 907, and June 2, 1975 in Deed Book 213, Page 142, both of the Boone County Records.

A(2)(g)—Calculation of approximate amount of open space both before and after construction. Indicate areas of expected open space and new landscaping. Include maintenance plans for these areas

Currently, other than the structures (the house and barn) noted on the attached Development Plan (Exhibit B) and Site Plan (Exhibit C), the entire 96 acre Subject Property consists of primarily open space—some of which is used for agricultural purposes.

The Proposed Mining Area will consist of an approximately 45.69 acre lake. The remaining land will consist of the following open space and landscaping:

- Berm surrounding the Proposed Mining Area (5.65 acres)
- Outer buffer (4.47 acres)
- Inner buffer (14.33 acres)
- Remaining open area (25.81 acres)

As depicted on the Site Plan (Exhibit B), Development Plan (Exhibit C), and the Landscape Concept Plan (Exhibit D) further described below, Northern Kentucky Aggregates plans to install vegetation buffers.

Northern Kentucky Aggregates will maintain the open areas including landscaping in accordance with its current and long standing maintenance practices for the Current Mining Property.

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A(2)(h)—Conceptual landscape plan that indicates the locations of landscape and buffering features. For applications involving the EPD, RPD, or PD overlay, design guidelines that include landscaping standards shall be provided for multi-phased projects

See attached Site Plan (Exhibit B), Development Plan (Exhibit C), and the Landscape Concept Plan (Exhibit D) for the approximate location and depiction of landscape and buffering features on the Subject Property.

A(2)(i)—Where portions of the site are subject to flooding, the Concept Development Plan shall indicate extent and frequency.

The 100 year floodplain is depicted on the Site Plan (Exhibit B), Development Plan (Exhibit C) (approximately 25.81 acres of the Subject Property). No mining activity will take place in the floodplain—it will remain open space.

A(2)(j)—General location of water, sanitary sewer, telephone, electrical and storm water lines. Capacity levels are recommended.

There are no existing utilities or related infrastructure on the Subject Property. Existing power lines along the public right of way on Belleview Road are depicted on Development Plan (Exhibit C). As stated above, in order to operate the dredge on the Subject Property, Northern Kentucky Aggregates would extend its existing private electric lines to the Subject Property.

A(2)(k)—General description of the availability of community facilities such as schools, fire protection services and other types of facilities that would serve the development, if any, and how these facilities are affected by this proposal.

As noted, Northern Kentucky Aggregates' proposed use on the Subject Property involves shifting its existing mining operations from the Current Mining Area to the Subject Property. The net effect will be no increased mining activity in terms of volume and no increased traffic volume. As a result, it is not anticipated that the community facilities or services that Northern Kentucky Aggregate currently utilizes will be impacted by this proposal.

A(2)(l)—Approximate location and size of storm water detention and/or retention areas.

The storm water detention area is located at the following approximate coordinates (consisting of approximately 1.5 acres): 39.0464032826525, -84.8872240853656 and 39.043253859907566, -84.88446060438424. See Site Plan (Exhibit B), Development Plan (Exhibit C) for the exact location of the storm water detention area.

A(2)(m)—Information describing proposed signage (types, sizes, materials, and locations on site). For applications involving the EPD, RPD, or PD overlay, design guidelines that include signage standards shall be provided for multi-phased projects.

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There will not be any signage on the Subject Property.

A(2)(n)—Construction schedule of the project. For multi-phased projects, submit a phasing plan that describes the anticipated timing and geographical extent of each phase.

Estimated construction schedule to prepare the Subject Property for mining would be approximately six (6) months to one (1) year. The site will be prepared for mining activity initially by establishing the sight barrier/earthen berm (with associated planting) around the area where mining will occur. The fill for the construction of this barrier will come from the removal of overburden that lies on top of the sand and gravel mining deposit. Not all of the overburden will be removed at once so as to contemporaneously reclaim the mined portions of the property as new sections are mined. The initial berm will require 45,000 cubic yards of material to complete construction.

A conveyor (approximately 3,000 feet long) will be installed to convey mined material from the Subject Property to the existing plant. An internal road (for employees only) would also be installed to allow for maintenance activity along the conveyor and its endpoints. The internal road and conveyor will allow the Current Mining Property's ingress and egress to remain the main entrance where customer trucks will enter and exit.

There will be associated electric work of relocating the support electrical components for operation of the clamshell dredge. This would include disassembly and assembly, concrete slab work, electrician labor, and site preparation.

A(2)(o)—Detailed traffic study if the proposed development is large-scaled or if the project would significantly alter existing traffic patterns or volume (refer to ARTICLE 32).

Northern Kentucky Aggregates is not expanding its existing mining volume. Furthermore, the existing ingress and egress to Belleview Road from the Current Mining Property will remain the only ingress and egress (no new access to Belleview Road will be installed on the Subject Property). As a result, there will be no alterations to existing traffic patterns or volume so a traffic study will not be necessary.

A(2)(p)—Images of the proposed buildings to demonstrate the intended architectural appearance and character. For applications involving the EPD, RPD or PD overlay, design guidelines that include architectural standards shall be provided for multi-phased projects.

There are no plans to build any buildings or structures on the Subject Property.

A(2)(q)—For applications involving the EPD or RPD districts, a table of proposed dimensional standards for the proposed land uses or phases including lot sizes and frontages, building heights and intensities, and setbacks. For applications involving the PD overlay district, a description of any requested exceptions to the requirements of the underlying district.

There are no plans to build any buildings on the Subject Property.

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A(2)(r)—For applications involving the PD overlay, EPD, or RPD districts, a written narrative that describes how the applicable requirements and standards in ARTICLE 16 have been.

The intent of the Employment Planned Development (“EPD”) is to “allow unique combinations of uses and create high quality design which cannot be effectively achieved under other zoning districts” and to “promote creativity in living and business environments through compliance with the adopted comprehensive plan” (Section 1600(A)). Furthermore, the intent of the EPD is to create “substantial density in designed parts of a site and the creation and/or retention of open space, amenities, and natural features in other parts of a site...” (*Id.*). As discussed in more detail above, the Subject Property and Proposed Mining Area conforms to the adopted Comprehensive Plan with respect to the type, character and intensity of use and impact on public facilities, services and road network.

The Subject Property is located within the town of Petersburg which remains mainly undeveloped agricultural area. Currently, the Subject Property is partially zoned I3 (approximately 68%) and partially zoned RS (approximately 32%). The portion of the property currently zoned RS consists of approximately 32 acres of the 96 acre parcel. Since 1976, Northern Kentucky Aggregates has operated a sand and gravel mining operation at the abutting Current Mining Property. The Current Mining Property consists of an approximately 324 acre site (Northern Kentucky Aggregates utilizes approximately 80 acres of the land abutting the Subject Property for its sand and gravel mining operations). See Area Map attached as Exhibit E. The Current Mining Property is zoned I3. Northern Kentucky Aggregates proposed development would simply shift its existing mining operations from its Current Mining Property to the Subject Property (it would extend the existing lake). The applicant’s current sand and gravel extraction operation on the Current Mining Property would become inactive. As described in more detail throughout this application, this will result in no change to the volume of mining that is currently being conducted by Northern Kentucky Aggregates.

Adjoining land uses and zoning consist of primarily I3 and A1 districts with some RS. The Ohio River borders both the Subject Property and the Current Mining Property. The areas across Belleview Road from the Subject Property and the Current Mining Property are primarily wooded open space zoned A1.

The Comprehensive Plan states that extraction of gravel along the Ohio River in the town of Petersburg should continue at the established sites (Comprehensive Plan, page 106, Petersburg). Therefore, the Subject Property and its use remains consistent with the Comprehensive Plan’s goal that “Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Comprehensive Plan,

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page 9, Economy Goal B). In addition, the Proposed Mining Area will consist of the type and character of mining that is currently active along the Ohio River in the Petersburg area (Comprehensive Plan, page 106). Also, the Belleview/Mcville area, which abuts the Petersburg area to the south, includes the objective “that New extraction operations should be confined to sites adjacent to existing operations between KY 20 and the Ohio River.” See pg. 115.

The Subject Property will generate little to no impact on public facilities, services and road network as the applicant currently operates an active extraction operation on the adjacent property to the north that will become inactive. In addition, the applicant plans to use the existing facilities for its operation and the same ingress and egress onto Belleview Road from its existing property. The Subject Property and the Proposed Mining Area is generally consistent with the Future Land Use Map designations for the Petersburg/Belleview area. Specifically, the Future Land Use Map designates this area as Industrial and Rural Land Use. (See Comprehensive Plan, p. 149, 2040 Future Land Use). The Subject Property and Proposed Mining Area is consistent with the Comprehensive Plan as it seeks a zoning map designation of Industrial, I-3.

The Proposed Mining Area will utilize the Subject Property while protecting and preserving the scenic assets and natural features. The ultimate land use will be a lake, open space, and potentially agricultural uses. In addition, the Development Plan shows that the applicant will not alter the existing tree lines and will instead rely on those as buffer zones between neighboring properties.

The Proposed Mining Area will not hinder or deter development of surrounding undeveloped properties in accordance with the Comprehensive Plan, as the Comprehensive Plan states that this area is to be zoned as Industrial, Rural Land and Rural Density Residential. The Subject Property is currently 68% I-3. In addition, the surrounding area will not be impacted by the change in the zoning of 32% of the Subject Property.

The Subject Property is located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sanitary sewerage are provided, or will be available and are adequate for the uses proposed as the applicant is operates the adjacent property for the same use.

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The Proposed Mining Area will not have a great impact on the existing conditions of the surrounding land uses, utility systems, road network and public facilities and services as the neighboring property is also a gravel and sand excavation operation, which is owned by the applicant.

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

**ULTIMATE LAND USE PLAN
1104.3.A.1.a.1.a**

1104.3.A.1.a.1.a.A—Written Consent

See attached and marked as Exhibit F.

1104.3.A.1.a.1.a.B—Application for Surface Mining District

A Zoning Map Amendment Application is being submitted simultaneously with this Development Plan.

1104.3.A.1.a.1.a.C—Metes and Bounds Legal Description of portion of the property to be rezoned

See attached and marked as Exhibit G.

1104.3.A.1.a.1.a.D—List of name and addresses of abutting property owners

See attached and marked as Exhibit H.

1104.3.A.1.a.1.a.E—Detailed costs estimate to finalize reclamation and complete the site of ultimate use

As described in more detail below in the Contemporaneous Reclamation Plan (Section 1104.3.A.1.a.1.a.I) and in accordance with Northern Kentucky Aggregates' current mining practices on the Current Mining Property, the Proposed Mining Area on the Subject Property will be contemporaneously reclaimed. Like the mining area on the Current Mining Property, the ultimate use of the Proposed Mining Area on the Subject Property will be a lake and the remaining portion of the Subject Property will be reclaimed as open space.

The site will be prepared for mining so as to allow for contemporaneous reclamation. It is estimated that related earthwork to prepare the Subject Property for mining would cost approximately \$3 per cubic yard (it is estimated the initial berm will require 45,000 cubic yards of material to complete construction). Due to the contemporaneous nature of the reclamation process, in the event where there is insufficient vegetation established to finalize reclamation it is estimated that there may be approximately \$20,000 in additional seeding (depends on status of existing vegetation) needed to finalize reclamation and complete the site for ultimate land use.

The Kentucky Energy and Environment Cabinet requires that a bond be posted to ensure reclamation of the Property.

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

1104.3.A.1.a.1.a.F—Detailed description of any additional work to make the ultimate land use possible.

As described in more detail throughout this Section 1104.3.A.1.a, the Proposed Mining Area will be contemporaneously reclaimed as a lake and the remaining area of the Subject Property will be maintained in its current form as open space. As such, the ultimate land use of the Subject Property will be a lake and open space. With that in mind, it is anticipated that the only additional work necessary to make the ultimate land use possible may be additional seeding in the event where there is insufficient vegetation established.

1104.3.A.1.a.1.a.G—Timeframe of proposed final closure of plans

There are approximately 12 million tons of sand and gravel on the Subject Property. This results in an estimated 400,000 tons of annual production of sand and gravel. This translates to a mine life of approximately twenty seven (27) years. Once mining operations cease, as discussed throughout this Section 1104.3.A.1.a, due to contemporaneous reclamation efforts, it may take approximately one year to complete the final closure plans.

1104.3.A.1.a.1.a.H—Detailed design of final reclaimed topography, drainage, and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays.

The ultimate use of the Proposed Mining Area will be a lake and the remaining portion of the Subject Property will be reclaimed as open space. As such, the final reclaimed property is as depicted on the Site Plan (Exhibit B) and Development Plan (Exhibit C). See also attached Cross Section Map (Exhibit I) that depicts final grading.

1104.3.A.1.a.1.a.I. (Sections .1, .2, .3, .4)— Contemporaneous Reclamation Plan

The following written description was prepared by Cory Kiser, Engineering Manager for Jurgensen Aggregates (parent company of Northern Kentucky Aggregates). Mr. Kiser is a Professional Engineer licensed in the State of Kentucky.

In accordance with Northern Kentucky Aggregates' current practices on the Current Mining Property, the Proposed Mining Area on the Subject Property will be contemporaneously reclaimed. As depicted on the Site Plan (Exhibit B), the Proposed Mining Area on the Subject Property would be an extension of the lake currently located on the Current Mining Property. It will consist of a maximum of approximately 45.69 acres. The "Reclamation Area" will be those portions of the Proposed Mining Area that are no longer used for active mining as new sections are mined.

The Proposed Mining Area will be prepared for mining activity initially by establishing the sight barrier and earthen berm (with associated vegetation) surrounding the area where mining will occur. The fill for the construction of this barrier will come from the removal of overburden that lies on top of the sand and gravel mining deposit. To minimize erosion, the shorelines will be graded in a manner that promotes stability and ensures the natural flow of water. In areas where natural vegetation is expected to establish,

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SECTION 1104.3.A.1.a

grading will facilitate the process, allowing the land to return to its original state, or as close to it as possible, following the completion of mining activities.

As part of its ongoing mining operations, Northern Kentucky Aggregates will implement ongoing systematic and comprehensive measures to restore and reclaim the disturbed land. As new sections are mined and overburden is cleared, it will be stockpiled and managed in a manner that ensures its availability for contemporaneous reclamation efforts.

In instances where natural vegetation is insufficient or fails to establish, Northern Kentucky Aggregates will employ additional measures to ensure successful revegetation in compliance with Kentucky mining law. These measures include, but are not limited to, the application of topsoil, mulching, and the use of erosion mats to establish a suitable environment for plant growth. Furthermore, Northern Kentucky Aggregates will adhere to guidelines regarding soil preparation, such as liming and fertilization, to optimize conditions for vegetation establishment. Seeding and planting efforts will be undertaken to introduce native plant species, reinforcing the natural ecosystem and promoting biodiversity. Throughout the ongoing reclamation process, Northern Kentucky Aggregates will closely monitor the effectiveness of these methods and make adjustments as necessary to achieve the desired outcome of a fully restored and thriving landscape.

To achieve effective erosion control, the grading and vegetation efforts will be strategically implemented at the outset of development of the Subject Property in order to create a stable and well-vegetated landscape. Grading will be conducted to shape the land in a way that promotes natural drainage patterns and reduces the potential for soil erosion, while creating suitable conditions for plant growth. This will allow vegetation to be established, either by allowing the natural colonization of native plant species or through active revegetation measures such as seeding, planting, and mulching. The resulting vegetative cover will act as a natural barrier against erosion, with plant roots anchoring the soil, reducing surface runoff, and promoting the infiltration of water. By carefully combining these grading and vegetation strategies contemporaneously, the operation aims to minimize erosion risks and create a sustainable, restored landscape that adheres to environmental regulations and best practices.

Whether in the initial development of the sight barrier and earthen berm will be designed and built in or in its ongoing mining operations described in this Development plan, all efforts will be made to minimize the Proposed Mining Area.

- **1104.3.A.1.a.1.a.I.1.5. A detailed site description and overview of the operations.**

The Proposed Mining Area on the Subject Property will consist of a 45.69 acre lake. The non-active areas will include 5.65 acres for the berm/site barrier, 18.8 acres in buffer/offset areas from adjacent property lines, and 25.81 acres in non-mining area in the flood plain. A conveyor (approximately 3,000 feet long) will be built to convey mined material from the Proposed Mining Area on the Subject Property to the existing processing plant on the Current Mining Property.

The existing mining methods employed at the Current Mining Property will continue to be utilized for the efficient and effective extraction of resources at the Proposed Mining Area on the Subject

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

Property. This process will involve the careful removal of overburden material to expose the underlying sand and gravel deposits. As the overburden is cleared, it will be stockpiled and managed in a manner that ensures its availability for future reclamation efforts.

The operation will continue to utilize a clamshell dredge as a principal means of resource extraction. The clamshell dredge offers several advantages, including precise material removal, minimal disturbance to the surrounding environment, and efficient handling of the extracted material. This method ensures a consistent and streamlined workflow, enabling the smooth transfer of mined material from the Proposed Mining Area on the Subject Property to the existing processing plant via the newly constructed 3,000 foot conveyor system. A new internal road will be built (for employee use only) to facilitate maintenance activities along the conveyor and provide a reliable access route between the Proposed Mining Area on the Subject Property and the Current Mining Property, further enhancing the overall efficiency and safety of the operation. No new access to Belleview Road will be built on the Subject Property, as such, there will be no customer traffic on the Subject Property. All existing customer traffic will access Northern Kentucky Aggregates by the existing ingress and egress on the Current Mining Property.

See Site Plan (Exhibit B) and Development Plan (Exhibit C) for a depiction of the above referenced proposed site improvements and existing site elements.

- **1104.3.A.1.a.1.a.I.1.6— Water pollution control: summary of the operator's requirements of all water pollution monitoring and waste handling requirements pursuant to U.S. EPA's and Kentucky Department of Natural Resources and Environmental Protection's National Pollutant Discharge Elimination System (NPDES) permit, groundwater, hazardous waste, hazardous substance regulations, and any other applicable environmental regulations. Details of any anticipated use or disturbance of any lakes, ponds, streams, rivers, creeks, or the creation of any dikes, impoundments, settling ponds, or other method for water retention for the purpose of operation, water supply, reclamation, treatment, ultimate land use, or otherwise, including, but not limited to, any such activity that requires application and approval from the U.S. Army Corps of Engineers. Details of any underground storage tanks including description of use and methods of compliance under U.S. EPA, the Kentucky Department of Natural Resources and Environmental Protection regulations.**

To comply with the U.S. EPA's National Pollutant Discharge Elimination System (NPDES) Program and the Kentucky Energy and Environment Cabinet, Department of Environmental Protection, Division of Water, the operator will take the necessary steps to ensure compliance with Kentucky's Pollutant Discharge Elimination System (KPDES) General Permit Program. The operator has implemented an Integrated Environmental Plan (IEP) which includes a Groundwater Protection Plan (GWP), a Stormwater Pollution Prevention Plan (SWPPP), and a Spill Prevention Control and Countermeasures (SPCC) Plan to serve as a comprehensive guidance document to comply with the regulatory terms of each of these programs.

Underground storage tanks (USTs) are regulated under the SPCC Program. The property does not currently have any underground storage tanks installed. However, if any USTs would be installed in future, the operator will adhere to all Federal, State, and local regulations.

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The facility has authorization to discharge process wastewater and stormwater under KPDES General Permit for "Mineral Mining and On-Site Processing", individual Permit Number #KYG840059.

There are two water wells on the property; one serves as a source of wash water for the processing plant, while the other provides water for the scale office, including drinking water and restroom facilities. The two water wells are regulated by the Kentucky Division of Natural Resources "Permit to Withdraw Public Water", individual Permit Numbers #1406 and #1407.

Industrial operations that could potentially affect any lakes, ponds, streams, rivers, and/or creeks, or changes to process operations that would involve the creation of dikes, impoundments, settling ponds, or other water retention engineering controls will be carefully evaluated. If necessary, applications and approvals from the U.S. Army Corps of Engineers (USACE) or other regulatory entities will be obtained and all Federal, State, and local regulations will be followed.

1104.3.A.1.a.1.a.I.1.7—Erosion control: description of surface soil quantities and proposed stockpiling of such for subsequent reclamation after closure of each active area, as set forth in item f. below.

See Site Plan (Exhibit B) for depiction of the location, dimension, and description of proposed buffer strips, screening, and embankments. See above Sections 1104.3.A.1.a.1.a.I. (Sections .1, .2, .3, .4) for a detailed description of erosion control plans.

1104.3.A.1.a.1.a.I.1.8—Noise control: detailed design plan including a list of equipment to be used that may impact noise pollution. Projections of average and maximum decibel levels at site boundaries, adjacent public roads, and all adjacent property owners buildings and/or dwellings.

The nearest dwelling is approximately 75 feet from the property line of the Subject Property and approximately 291 feet from the Proposed Mining Area. Belleview Road (the only public road contiguous with the Subject Property) is approximately 218 feet from the Proposed Mining Area.

The following is a list of equipment that may impact noise pollution:

1. electric clamshell dredge and
2. associated conveyors that will transport the mined material from the proposed expansion area to the existing operation.

Projects of average and maximum decibel levels at site boundaries, adjacent public road, and all adjacent property owners building and/or dwellings are described in the attached Exhibit H.

Given the distance from the Proposed Mining Area and a public road, all noise associated with mining activity should fall below ambient sound levels, See Noise Control Report (Exhibit J).

**DEVELOPMENT PLAN
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1104.3.A.1.a.1.a.I.1.9—Dust control: detailed design plan including a list of equipment to be used for dust abatement along with a written summary of operator's fugitive dust requirements pursuant to current U.S. EPA, and Kentucky Department of Natural Resources and Environmental Protection as they specifically apply to the proposed operation.

Dust suppression is achieved through standard methods including but not limited to the use of water truck, water sprayers, and chemical additives.

Fugitive dust emissions are subject to regulation under federal and state laws, such as the U.S. EPA New Source Performance Standards and Kentucky State Regulations.

Northern Kentucky Aggregates holds an Air Quality Permit #S-15-103 issued by the Kentucky Energy and Environment Cabinet, Department for Environmental Protection, Division for Air Quality. This permit outlines specific requirements for limiting fugitive dust emissions, as well as compliance testing and reporting procedures.

Northern Kentucky Aggregates uses various engineering control measures to manage fugitive dust emissions, such as water and chemical applications, speed restrictions for equipment and vehicles, off-site tracking engineering controls, and low drop-height of transfer points of aggregates.

Overall, Northern Kentucky Aggregates is committed to complying with all applicable federal, state, and local regulations related to fugitive dust emissions.

- **1104.3.A.1.a.1.a.I.1.10—Hours of operation: hours of operation within proposed operational boundaries, and hours of operation of off-site hauling, using public roads.**

The typical work hours for the Current Mining Property, are 10 hour shifts (7am – 5pm). There are occasional half-days on Saturdays during high demand periods (high demand periods are once or twice per year during peak construction periods).

- **1104.3.A.1.a.1.a.I.1.11—A site plan of the site drawn to a scale of one (1) inch equal not more than one hundred (100) feet showing:**

o **a. Proposed ultimate land use after full reclamation.**

The Proposed Mining Area will be reclaimed as a lake. The remaining portion of the Subject Property that is not used for mining will remain in its current state as open space.

o **b. Routes of anticipated hauling travel on public roads with descriptions of maximum load weight limits of each public road, or road section anticipated to be utilized for transportation of the materials.**

Northern Kentucky Aggregates has been operating since 1976, trucks have used Belleview Road to access I-75 and I-275. These routes will remain the same as Northern Kentucky Aggregates volume in terms of truck traffic will remain the same. KYTC provided the following weight limits for Belleview Road which are attached as Exhibit K.

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

- **c. Schedule of development showing estimated time frame for development and reclamation of the site; including a description of maximum active area for operation, on-going reclamation area, and design of site work to minimize active area and minimize the time unreclaimed non-active area exists.**

As discussed elsewhere in the Section 1104.3.A.1.a and in the Concept Development Plan, the estimated construction schedule to prepare the Subject Property for mining would be approximately six (6) months to one (1) year. The Site Plan (Exhibit B) and Development Plan (Exhibit C) depict the proposed Proposed Mining Area which will consist of an approximately 45.69 acre lake (which is the same as the on-going reclamation area and maximum active area for mining operations). As described through this Section 1104.3.A.1.a, reclamation will be contemporaneous beginning with initial design and site work to prepare the Subject Property for mining.

The following design and site work will minimize the active area. The remaining land will consist of the following open space and landscaping:

- Berm surrounding the Proposed Mining Area (5.65 acres)
- Outer buffer (4.47 acres)
- Inner buffer (14.33 acres)
- Remaining open area (25.81 acres)

Northern Kentucky Aggregates will maintain the open areas including landscaping in accordance with its current and long standing maintenance practices for the Current Mining Property. As depicted on the Site Plan (Exhibit B), Development Plan (Exhibit C), and the Landscape Concept Plan (Exhibit D) further described below, Northern Kentucky Aggregates plans to install vegetation buffers.

As described in Section 1104.3.A.1.a.1.a.G, there are approximately 12 million tons of sand and gravel on the Subject Property. This results in an estimated 400,000 tons of annual production of sand and gravel. This translates to a mine life of approximately twenty seven (27) years. Once mining operations cease, as discussed throughout this Section 1104.3.A.1.a, due to contemporaneous reclamation efforts, it may take approximately one year to complete the final closure plans.

- **d. Existing drainage courses with proposed relocations, channel changes, diversions, retention basins, sedimentation basins, and drainage structures.**

See Site Plan (Exhibit B) and Development Plan (Exhibit C).

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

- **e. All existing public roads abutting the site with width and type of pavement, existing and proposed right-of-way width, and existing and proposed drainage structures.**

For the proposed development on the Subject Property, Northern Kentucky Aggregates will utilize its existing entrance to Belleview Road on the Current Mining Property for ingress and egress to Belleview Road. Northern Kentucky Aggregates proposes to shift its existing mining operations to the Subject Property so the proposed development will not increase mining activity and, as such, truck traffic will remain the same. Therefore, there will be no need for changes to the existing right-of-way or drainage structures. See Site Plan (Exhibit B) and Development Plan (Exhibit C).

- **f. Location, dimension, and description of proposed buffer strips, screening, and embankments.**

See attached Site Plan (Exhibit B).

- **g. General layout of proposed development showing proposed limits of excavation and all proposed structures.**

No structures will be built on the Subject Property. See attached Site Plan (Exhibit B) for the general layout of proposed development.

- **h. All existing structures on the property and within two hundred (200) feet of the property lines on adjacent property.**

See Site Plan (Exhibit B) and Development Plan (Exhibit C).

- **i. Existing and proposed contours shown with intervals sufficient to show existing and proposed drainage, but not more than ten (10) feet.**

See Site Plan (Exhibit B) and Development Plan (Exhibit C).

- **j. All public and private right-of-ways and easements on or abutting the property with notation as to proposed continuation, creation, enlargement, relocation, or abandonment.**

The following is a list of recorded easements on the Subject Property. These would continue with the proposed use.

- Easement to Consolidated Telephone Company filed November 12, 1965, and recorded in Miscellaneous Book 35, Page 170, of the Boone County Records.

**DEVELOPMENT PLAN
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- Reservations, restrictions, covenants, limitations, easements and/or other conditions as stated in instruments filed March 12, 2021 in Book D1161, Page 907, and June 2, 1975 in Deed Book 213, Page 142, both of the Boone County Records.

○ **k. Names of abutting property owners.**

See Site Plan (Exhibit B), Development Plan (Exhibit C), and a list of abutting property owners (Exhibit H).

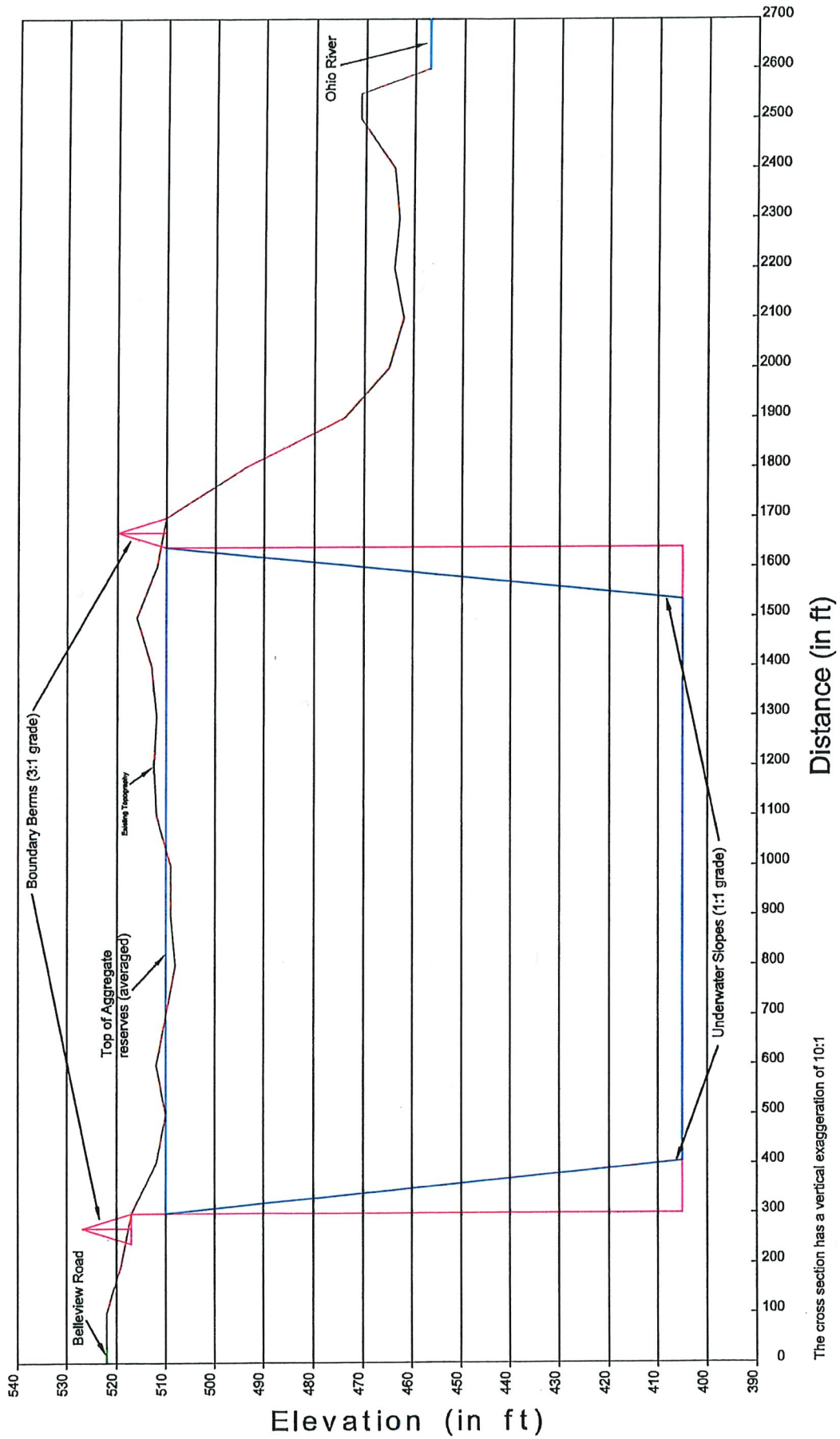
○ **l. The total area of the property owned or leased by the applicant.**

Northern Kentucky Aggregates currently owns approximately 324 acres of land to the north of the Subject Property (Northern Kentucky Aggregates utilizes approximately 80 acres of the land abutting the Subject Property for its sand and gravel mining operations). The Subject Property consists of approximately 96 acres (Northern Kentucky Aggregates is currently under contract to purchase the Subject Property).

- **m. A vicinity map showing the area within a three mile radius of the center of the proposed site. Current 7-1/2 minute topographic at a scale of one (1) inch equal to 2000 feet shall be used as the base map with existing zoning drawn thereon. Proposed routes for shipping and receiving materials and equipment shall be indicated along with daily, monthly and yearly average and maximum quantities of materials transported to and from the site. Recorded historical and archaeological sites, public facilities such as parks, schools, churches, cemeteries, fire stations, and government offices and the boundaries of cities, counties, and states shall be identified. The boundary of the proposed site shall be shown.**

See Site Plan (Exhibit B), Development Plan (Exhibit C), and Area Map (Exhibit E).

Hitzfield Cross Section



The cross section has a vertical exaggeration of 10:1

Sound Pressure Level Report

**Northern Kentucky Aggregates, Inc.
3743 Belleview Road
Petersburg, Kentucky 41080**

Prepared For:

**Jurgensen Company
11641 Mosteller Road
Cincinnati, Ohio 45241**

Prepared By:

**Natural Resources Management, LLC
7901 Sylvania Avenue
Sylvania, Ohio 43560**



April 28, 2023

1.0 Executive Summary

Northern Kentucky Aggregates (NKA) has proposed an expansion of their existing sand and gravel mining operation located in Petersburg, Boone County, Kentucky (Figure 1). The proposed expansion is located adjacent to the south-southeast of the current mining operation, which extracts sand and gravel from below the groundwater table using a floating clamshell dredge (Figure 2). Boone County regulates sand and gravel extraction by the zoning ordinance (“Ordinance”). The ordinance requires the applicant to provide a list of equipment that may impact noise pollution in the proposed mining area and the operator addresses noise control by providing a detailed design plan that includes a description of equipment to be used and includes projections of average and maximum decibel levels at site boundaries, adjacent public roads, and adjacent buildings and dwellings as part of the application. The focus of this evaluation is to provide measurements of the sound pressure levels (SPLs) for the equipment proposed to operate in the expansion area. This was completed by measuring SPLs while the equipment is operating, then calculating projected SPLs that would likely be expected once the equipment is moved and operating within the expansion area.

The mining equipment that is proposed to operate in the expansion area is limited to an electric clamshell dredge and associated conveyors that will transport the mined material from the proposed expansion area to the existing operation. The existing plant operations, conveyors, load out, and other equipment will remain in the current location and is not located in the expansion area. To meet the requirements of the Ordinance, NKA has retained Natural Resources Management, LLC (NRM) to conduct an evaluation of the current sound pressure levels measured in decibels and projections of sound levels that would be expected in the expansion area.

On April 25, 2023, Natural Resources Management, LLC mobilized to the existing operation and measured the sound pressure levels (SPLs) in the vicinity of the existing electric clamshell dredge and conveyors which will be used in the expansion area. NRM then used standard methods to calculate and project the expected SPLs at the locations required of the Ordinance.

This evaluation shows that during normal operating conditions in the expansion area, average SPLs at the expansion area site boundaries, adjacent public roads, and adjacent buildings and dwellings are projected not exceed 65 dBA and maximum SPLs were projected not to exceed 74 dBA. These SPLs are comparative to sound levels such as what is typically experienced in quiet urban areas in the daytime, sound from normal conversation levels, or dial tones of a phone (Pennsylvania State University, 2018). Additionally, the noise control currently used at the NKA facility include earthen berms and our evaluation had shown these barriers to be effective. We would expect similar results at the expansion area because noise barriers are proposed around the perimeter there as well. Based on this evaluation, it is our professional opinion that the proposed mining operation expansion will be similar to normal ambient noise in a residential and

agricultural setting that experiences typical daytime traffic and ambient noise if operated at setback distances from the surrounding site boundaries, adjacent public roads, and adjacent buildings and dwellings.

2.0 Introduction

Northern Kentucky Aggregates, Inc. (NKA) is conducting mineral extraction activities from sand and gravel deposits located near Petersburg in Boone County, Kentucky. The site is located at 3743 Belleview Road, Petersburg, Kentucky (Figure 1). The site is situated northeast of the Ohio River on approximately 294 acres. Land uses in the vicinity of the current mining operation include Belleview Road and residential dwellings to the east, Martin Marietta Materials quarry to the north and northwest, agricultural and rural residential to the northeast, and agricultural and residential use to the southeast and east.

NKA is planning to expand its mining operation to the southeast on an agricultural parcel that is approximately 96 acres in area (Figure 2). Mining setbacks are 275 feet into the site from the property boundaries. Therefore, a land buffer from mining activities has been incorporated into the noise control design plan. Because of the land buffer, mining is planned to occur on approximately 46 acres of the total parcel area. The expansion parcel is bordered by NKA to the northwest, Belleview Road with agricultural land and a residence beyond the northeast, residences and Adena Trail to the southeast, and the Ohio River to the southwest.

The purpose of this report is to; 1) present sound pressure level (SPL) measurements recorded on the site at various distances from the equipment that will eventually be moved to the expansion area under normal operating conditions and 2) use standard methods to project the observed SPLs to each adjacent building and roadway. The scope of this evaluation generally conforms to the standards and guidance of ASTM E1014-12 (Reapproved 2021) *Standard Guide for Measurement of Outdoor A-Weighted Sound Levels*. The site location is shown on Figure 1.

NRM has prepared this report for use by NKA in support of the proposed expansion and is intended to meet the required information with respect to the items required of the Boone County Zoning Ordinance, Section 1156 A.3.c. Noise control. The report has been prepared by qualified professionals familiar with aggregate operations and sound pressure level evaluations whose qualifications are presented in Appendix D.

6.0 Findings and Observations

NRM has conducted a sound pressure level (SPL) analysis of the ambient conditions during normal operating conditions while the floating clamshell dredge, mobile equipment, and conveyors were in operation. The sound level measurements were averaged over 30-minute runs and the data presented indicated that the average SPL at the site boundary and roadways nearest to where the dredge would operate in the expansion area was 65.0dBA and the maximum recorded measurements of one-minute LAeq was 73.7dBA. The average SPL nearest any owner dwelling or building was projected to be 65dBA or less and the maximum projected SPL was 70dBA. This would be the nearest location the dredge will be operating to the site boundaries due to setbacks and without a sound barrier. The earthen berms expected to be installed in the expansion area would further reduce the projected SPLs to less than the above-reported levels likely be measured in the 50 to 60dBA range because of the 6dBA reduction.

Results of the ambient SPL monitoring suggest that maximum and average ambient SPLs measured during normal operating conditions at the site boundary, adjoining roadways, or near adjoining owners swelling or buildings are not anticipated to be disruptive beyond what would be expected of typical outdoor activities. Additionally, the noise control currently used at the NKA facility include earthen berms and our evaluation had shown these barriers to be effective. We would expect similar results at the expansion area because noise barriers are proposed around the perimeter there as well.

These SPLs are comparative to sound levels such as what is typically experienced in quiet urban areas in the daytime, sound from normal conversation levels, or dial tones of a phone (Pennsylvania State University, 2018). Based on this evaluation, it is our professional opinion that the proposed mining operation expansion will be similar to normal ambient noise in a residential and agricultural setting that experiences typical daytime traffic and ambient noise if operated at setback distances from the surrounding site boundaries, adjacent public roads, and adjacent buildings and dwellings.

7.0 References

The Pennsylvania State University (2018) Noise Quest. <https://www.noisequest.psu.edu/noisebasics-basics.html>

Ricardo A. Melo, Roberto L. Pimentel, Diego M. Lacerda and Wekisley M. Silva, 2015. Applicability of models to estimate traffic noise for urban roads. *Journal of Environmental Science and Engineering*. Research Article, Open Access.

Johnson, Madison

From: Perry, Marty M (Heritage Council) <marty.perry@ky.gov>
Sent: Tuesday, April 11, 2023 9:37 AM
To: Konkol, Nicole N (Heritage Council); Johnson, Madison
Subject: RE: Historic Structure at Potential Site Development

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Madison: I used my office's GIS mapping of recorded historic properties with the address you gave, 3989 Belleview Rd., Petersburg, Kentucky, and did not find any recorded properties at the point that the map identifies at that address. Because that address is for a large rural property, it's worthwhile for me to tell you about properties that have been recorded and that stand nearby, in case those nearby properties might somehow have a relationship to the site you're interested in. We identify sites by number, and all Boone County sites have a "BE" prefix.

The first of those two sites identified on the GIS map is site BE 1101, called the Baker Farm. The survey database reports that property's address as being 4376 Belleview Road. Do you know a property that is called the Baker Farm, residing across the road from the property you have asked about? Because the property you're interested in and this Baker Farm are both large rural properties, it's possible that those two address numbers, whose addresses are 400 digits apart, still could have acreage directly across the road from each other. The Baker Farm is not on the National Register.

The other property is BE 27, called Captain N. Collins House, and is listed on the National Register. Its address is given as 6255 Aurora Ferry Road, but it shows up on the GIS map as standing nearby the location that the map plots as 3989 Belleview Road, so I mention it here.

If you have further questions, don't hesitate to contact me.

Marty Perry
National Register Coordinator
KY Heritage Council
410 High Street
Frankfort, KY 40601

Phone: 502.892-3609
Fax: 502.564.5820

From: Konkol, Nicole N (Heritage Council) <nicole.konkol@ky.gov>
Sent: Tuesday, April 11, 2023 9:20 AM
To: Johnson, Madison <mjohnson@dbllaw.com>
Cc: Perry, Marty M (Heritage Council) <marty.perry@ky.gov>
Subject: Re: Historic Structure at Potential Site Development

Hi Madison.

I'm circling back with you to thank you for reaching out.

As your inquiry does not apply to anything seeking federal funding or permitting, Section 106 compliance is not triggered.

Mr. Perry would be the best person to answer your question pertaining to currently listed structures in Kentucky.

Sincerely,

N. Nicole Konkol

Site Protection Program Administrator
Kentucky Heritage Council
410 High Street
Frankfort, Kentucky 40601



Important Note about Section 106 Submissions:

In order for your Section 106 submission to be accepted, distributed, and reviewed all documents must be sent via email to our dedicated address: khc.section106@ky.gov.

For additional information on how and what to submit for Section 106 review, please visit our webpage: <https://heritage.ky.gov/compliance/Pages/overview.aspx>

From: Johnson, Madison <mjohnson@dbllaw.com>
Sent: Tuesday, April 11, 2023 9:06 AM
To: Konkol, Nicole N (Heritage Council) <nicole.konkol@ky.gov>
Subject: RE: Historic Structure at Potential Site Development

Hi Ms. Konkol,

I just want to push my below email to the top of your inbox regarding structures located on 3989 Belleview Rd., Petersburg, Kentucky.

Best,
Madison

Madison Johnson
321 West Main Street Suite 2100
Louisville, KY 40202
Direct: (502) 630-1309
General: (502) 572-2500 Fax: (502) 572-2503
www.dblaw.com / mjohnson@dblaw.com



Cincinnati / Northern Kentucky / Louisville

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From: Johnson, Madison
Sent: Tuesday, March 28, 2023 1:16 PM
To: nicole.konkol@ky.gov
Subject: Historic Structure at Potential Site Development

Hi Ms. Konkol,

I spoke with your colleague, Mr. Perry, yesterday afternoon regarding whether a structure located on 3989 Bellevue Rd., Petersburg, Kentucky was on the national register and if it is, then what restrictions or limitations apply to the property owner. I searched the national registry this morning and did not find this address listed. Is there any way you can confirm that there is no structure on the national registry at this address? In addition, I am working with the Boone County Historic Preservation office to confirm that they also do not have it listed as a Historic Landmark.

Are there any other historic designations that we should be aware of?

Thank you,
Madison Johnson

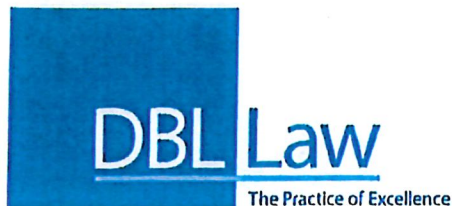
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Writer's Direct:
Phone: (859) 426-2108
Fax: (859) 788-2011
Email: lwolff@dbllaw.com

March 29, 2023

Via Certified Mail & Electronic Mail

Kentucky Transportation Cabinet
Department of Highways District 6
Robert Yeager, Chief District Engineer
21 Buttermilk Pike
Covington, KY 41017
Robert.Yeager@ky.gov

Re: Letter Providing Notice of New Project and Zoning Map Amendment

Dear Mr. Yeager:

We represent Northern Kentucky Aggregates, Inc. ("NKY Aggregates") in its request for a Zoning Map Amendment to the Boone County Planning Commission. NKY Aggregates currently owns property commonly referred to as 3743 and 3869 Belleview Road, Petersburg, Kentucky 41080 for the operation of its mining and production facilities of sand and gravel ("Current Zoning Property") (*See Exhibit A*). NKY Aggregates plans to purchase the adjacent property located at 3989 Belleview Road, Petersburg, Kentucky 41080 ("Proposed Zoning Property") (*See Exhibit A, GIS Map*).

In conjunction with the acquisition of the Proposed Zoning Property, NKY Aggregates will be submitting an application for a Zoning Map Amendment of the Proposed Zoning Property. The Current Zoning Property is zoned Industrial Three ("I-3"). The Proposed Zoning Property is partially zoned I-3 (approximately 68%) and partially zoned Rural Suburban ("RS") (approximately 32%). In addition, a large portion of the surrounding area and adjacent parcels to the Proposed Zoning Property are zoned I-3, so the change will better align the Proposed Zoning Property with currently permitted uses in the area (*See Exhibit B, Zoning Map*).

Also attached is a draft site plan ("Site Plan") which identifies the proposed mining area on the Proposed Zoning Property (*See Exhibit C, Site Plan*).

This Zoning Map Amendment will permit NKY Aggregates to shift its mining operation from its Current Zoning Property to the Proposed Zoning Property. This will result in no change to the volume of mining that is currently being conducted. In addition, the traffic to Belleview

Mr. Robert Yeager
May 1, 2023
Page 2 of 5

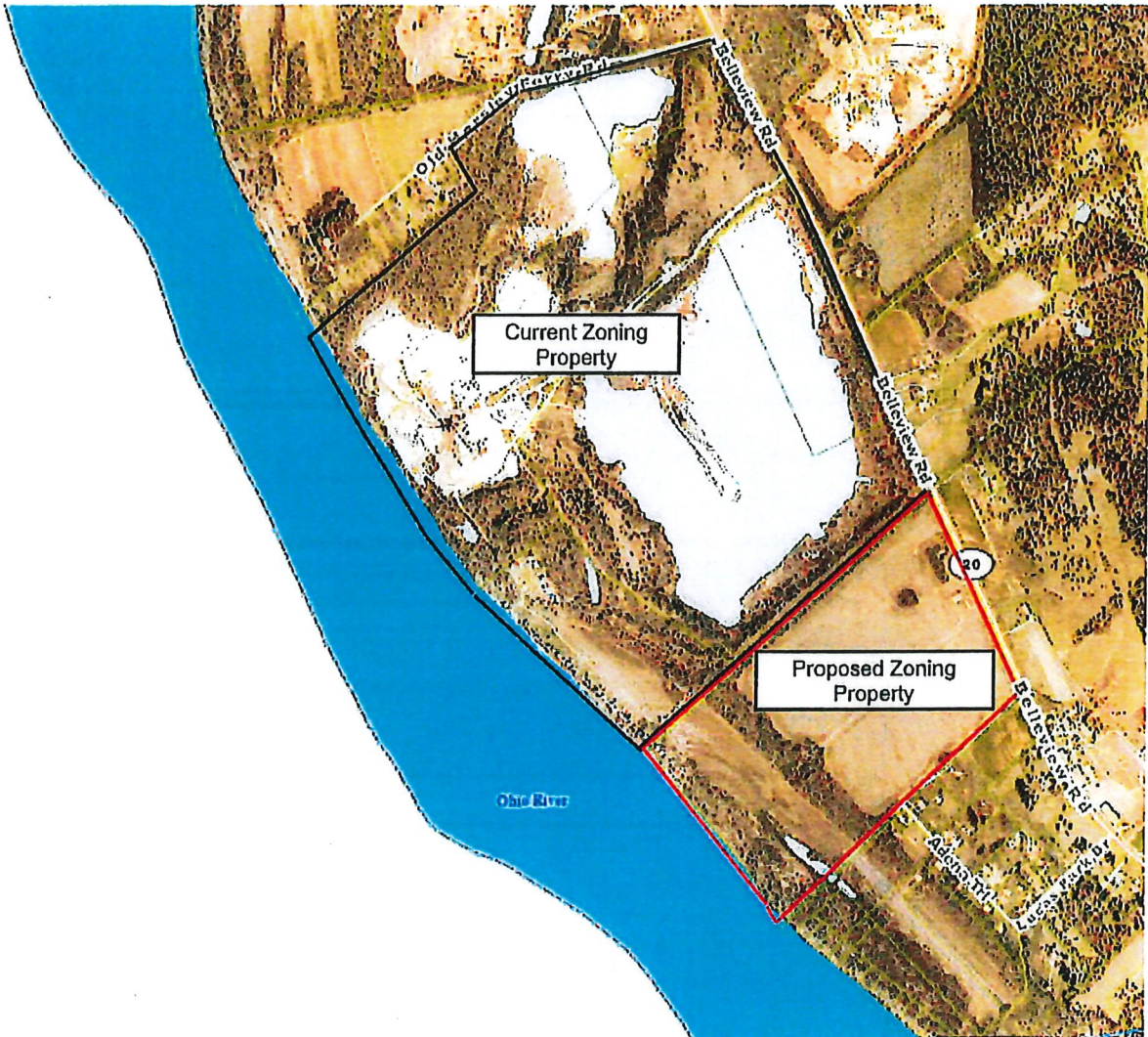
Road will not be impacted. In fact, NKY Aggregates plans to construct a conveyer system to transport the mined material from the Proposed Zoning Property to its existing production facilities located within the Current Zoning Property, as to eliminate any additional ingress or egress on Belleview Road.

We are providing this advance notice to alert of the planned use and to vet any potential issues with the proposed plan of the Current Zoning Property and the Proposed Zoning Property. Thank you in advance for your attention to this matter. Please contact me at the above telephone number and email.

Sincerely,

Loren Wolff
Dressman Benzinger LaVelle psc

Exhibit A
GIS Map



Current Mining Property

Owner: Northern Kentucky
Aggregate, Inc.

3743 Bellevue Road
3989 Bellevue Road

PIDN: 002.00-00-003.00
PIDN: 002.00-00-008.00
PIDN: 002.00-00-010.00
PIDN: 002.00-00-011.00
PIDN: 002.00-00-011.01
PIDN: 002.00-00-011.02

Proposed Mining Property

Owners: HITZFIELD TIMOTHY
WILLIAM & HITZFIELD DANIEL
LYNCH & HITZFIELD JOSEPH
GERARD & HITZFIELD NANCY

3989 Bellevue Road

PIDN: 002.00-00-016.00

Exhibit B
Zoning Map

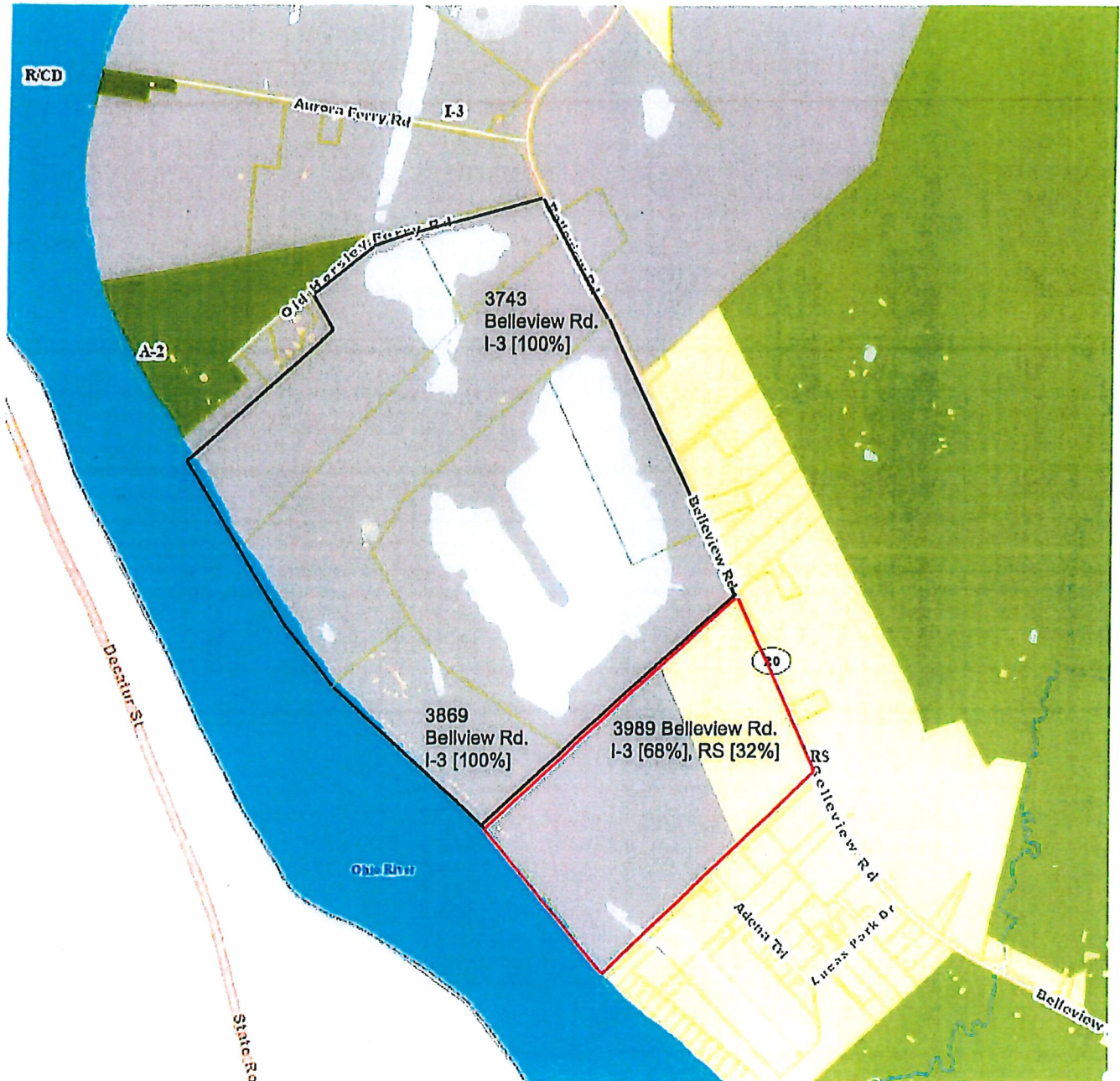
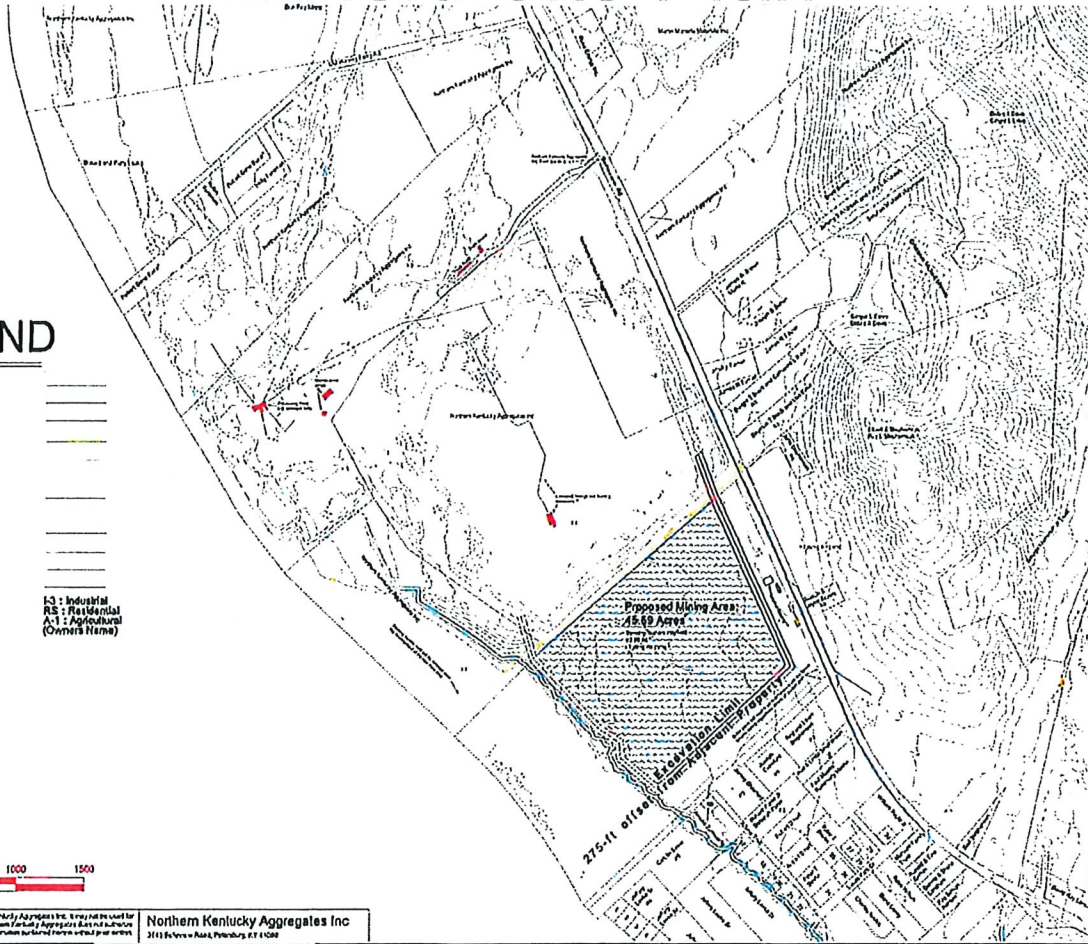


Exhibit C
 Site Plan

Hitzfield Site Plan

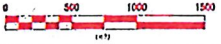


Date: 1/26/2023
Revised by:
Checked by:
Approved by: DWS
Notes:
1. This plan was prepared by Northern Kentucky Aggregates Inc. for the purpose of showing the location of the proposed mining area and related infrastructure. It is not intended to be used for any other purpose.
2. The plan is based on the most current available topographic data and is not intended to be used for any other purpose.
3. The plan is not intended to be used for any other purpose.
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LEGEND

- Parcel Boundaries
- Proposed Mining Area
- Current Plant Location
- Vegetation Buffers
- Existing Access Road
- Proposed Access Road
- Proposed Berm
- Existing Plant cover
- Existing Structures
- Flood Plain Buffer (25-ft)
- Contours (10-ft)
- Existing Powerlines
- Zoning Labels

- I-3 : Industrial
- RS : Residential
- A-1 : Agricultural
- (Owners Home)



This drawing is the property of Northern Kentucky Aggregates Inc. It may not be used for any purpose other than that for which it was prepared. Northern Kentucky Aggregates Inc. does not warrant the truth or accuracy of any information furnished herein without great reserve.

Northern Kentucky Aggregates Inc.
 2115 Sycamore Road, P.O. Box 1000

Johnson, Madison

To: Peck, Angie; Wolff, Loren, V.
Subject: RE: 2023.03.29 - Correspondence (NKY Aggregates)

From: Minckley, James A (KYTC-D06) <James.Minckley@ky.gov>
Sent: Monday, April 3, 2023 11:12 AM
To: Peck, Angie <apec@dbllaw.com>
Cc: Yeager, Robert A (KYTC-D06) <Robert.Yeager@ky.gov>
Subject: RE: 2023.03.29 - Correspondence (NKY Aggregates)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Peck,

Thank you for your letter regarding the planned expansion of NKY Aggregates and the associated request for a zoning map amendment. We appreciate the opportunity to comment on the proposed amendment and potential impacts the planned expansion may have on state-maintained roadways. Through our coordination with Boone County, the Boone County Planning Commission routinely forwards us requests such as yours to note the Cabinet's comments and concerns as part of their normal procedure. In order to keep with their normal operating procedures and to honor their jurisdiction over the zoning process, KYTC will not be able to comment on the proposed expansion and zoning map amendment until comments are requested by the County. While we are unable to comment at this time, your letter is helpful in understanding the scope and intent of the future expansion and will be beneficial in developing our comments to Boone County.

Thank you again for contacting us. Please feel free to contact me should you have additional questions.

Thanks,

James A. Minckley, P.E.
Branch Manager – Engineering Support
KYTC District 6
859-341-2700
james.minckley@ky.gov

From: Yeager, Robert A (KYTC-D06) <Robert.Yeager@ky.gov>
Sent: Friday, March 31, 2023 10:55 AM
To: Minckley, James A (KYTC-D06) <James.Minckley@ky.gov>
Subject: FW: 2023.03.29 - Correspondence (NKY Aggregates)

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

From: Peck, Angie <apec@dbllaw.com>
Sent: Wednesday, March 29, 2023 11:08 AM
To: Yeager, Robert A (KYTC-D06) <Robert.Yeager@ky.gov>

Cc: Wolff, Loren, V. <lwolff@dbllaw.com>; Johnson, Madison <mjohnson@dbllaw.com>
Subject: 2023.03.29 - Correspondence (NKY Aggregates)

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Please see the attached correspondence.

Thank you,

Angie Peck
Receptionist

321 West Main Street Suite 2100
Louisville, KY 40202
Direct: (502) 630-1300
General: (502) 572-2500 Fax: (502) 572-2503
www.dbllaw.com / apecck@dbllaw.com



Cincinnati / Northern Kentucky / Louisville

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Writer's Direct:
Phone: (859) 426-2108
Fax: (859) 788-2011
Email: lwolff@dbllaw.com

March 29, 2023

Via Certified Mail & Electronic Mail

Kentucky Energy and Environment
Division of Water
Surface Water Permits Branch
ATTN: Amy Van Horne
300 Sower Blvd
Frankfort, KY 40601
Email: amyvanhorne@ky.gov

Re: Letter Providing Notice of New Project and Zoning Map Amendment

Dear Ms. Van Horne,

We represent Northern Kentucky Aggregates, Inc. ("NKY Aggregates") in its request for a Zoning Map Amendment to the Boone County Planning Commission. NKY Aggregates currently owns property commonly referred to as 3743 and 3869 Belleview Road, Petersburg, Kentucky 41080 for the operation of its mining and production facilities of sand and gravel ("Current Zoning Property") (See Exhibit A). NKY Aggregates plans to purchase the adjacent property located at 3989 Belleview Road, Petersburg, Kentucky 41080 ("Proposed Zoning Property") (See Exhibit A, GIS Map).

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Ms. Amy Van Horne
May 1, 2023
Page 2 of 5

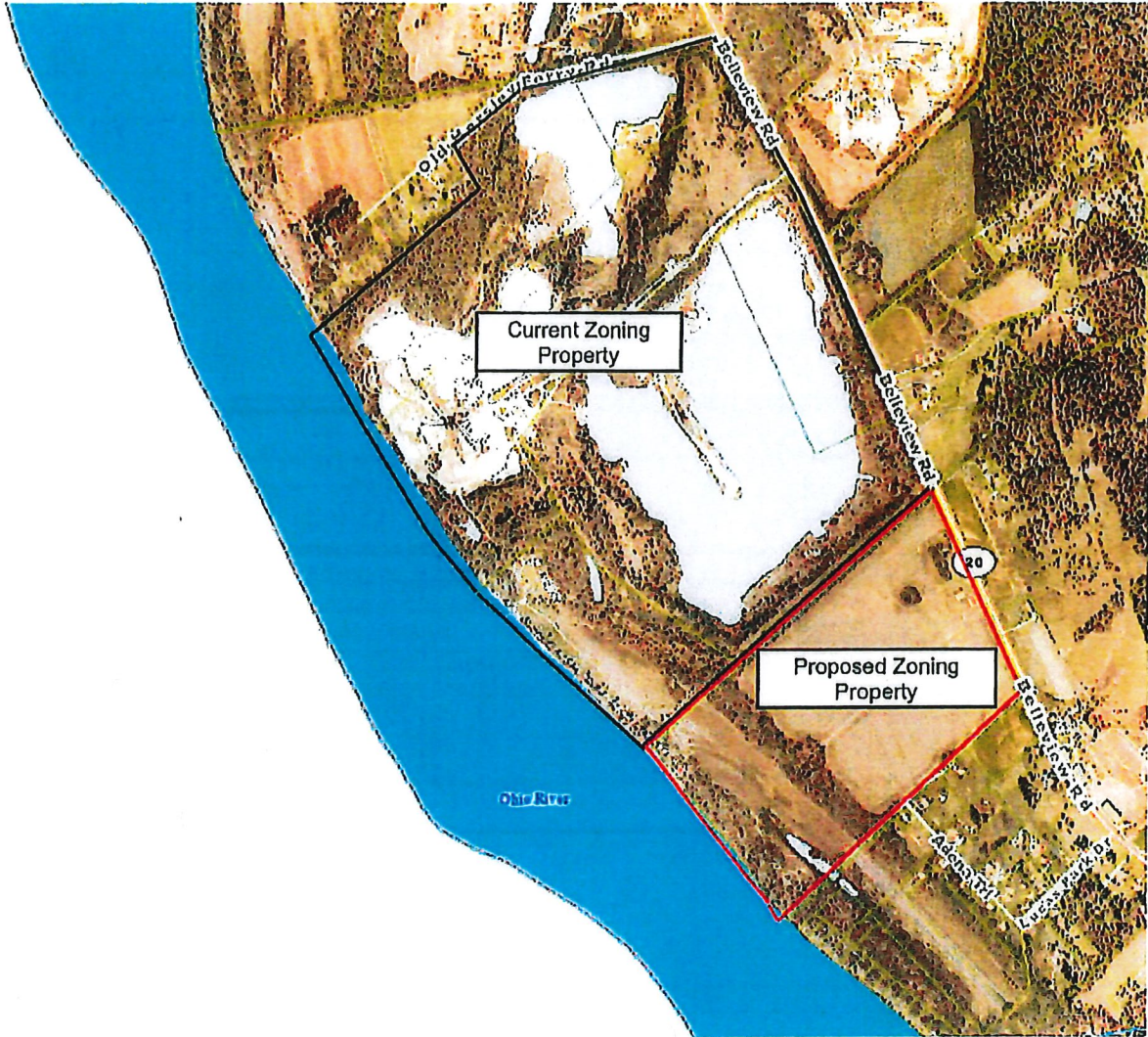
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Sincerely,

Loren Wolff
Dressman Benzinger LaVelle psc

Exhibit A
GIS Map



Current Mining Property

Owner: Northern Kentucky
Aggregate, Inc.

3743 Belleview Road
3989 Belleview Road

PIDN: 002.00-00-003.00
PIDN: 002.00-00-008.00
PIDN: 002.00-00-010.00
PIDN: 002.00-00-011.00
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PIDN: 002.00-00-011.02

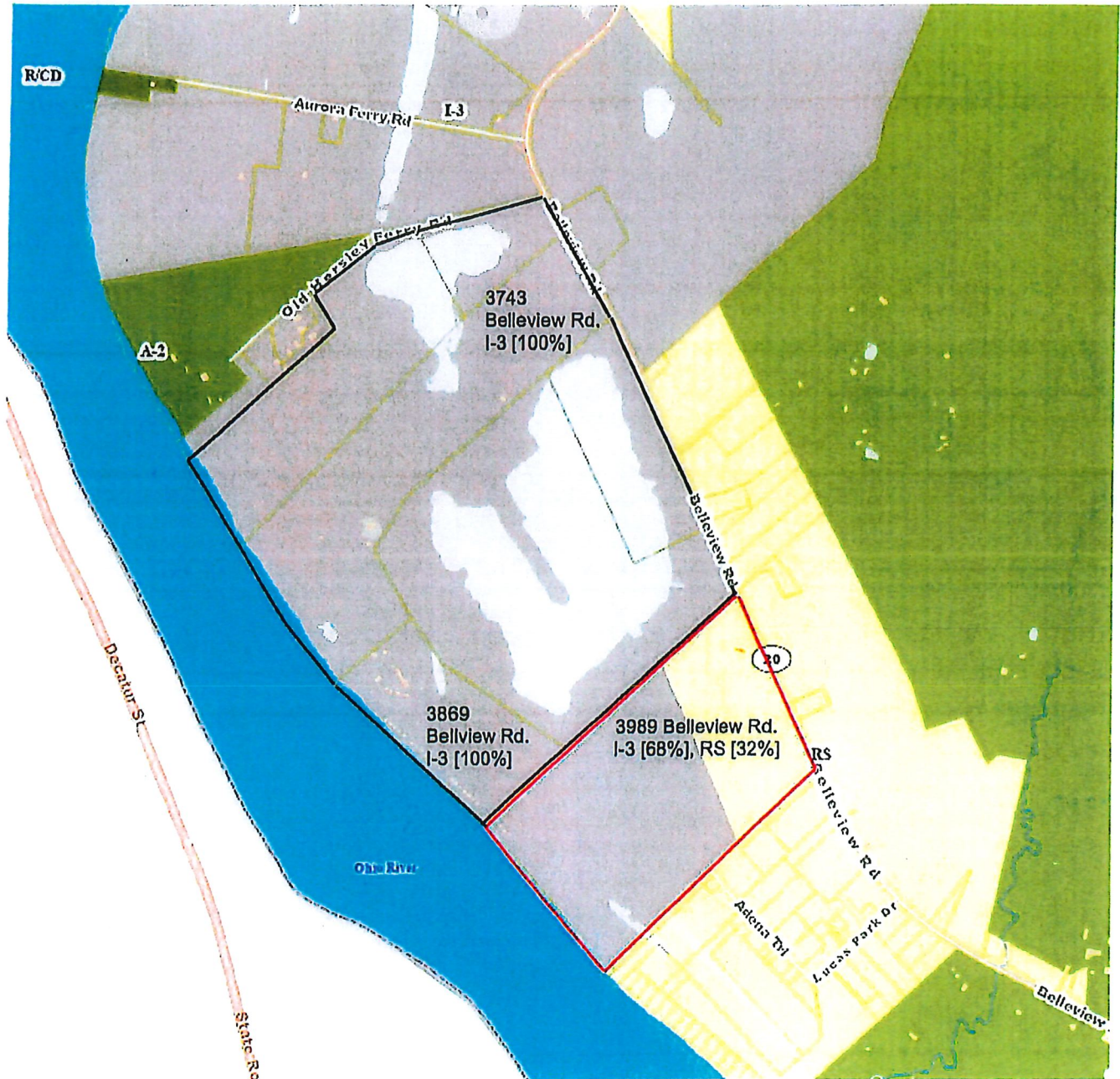
Proposed Mining Property

Owners: HITZFIELD TIMOTHY
WILLIAM & HITZFIELD DANIEL
LYNCH & HITZFIELD JOSEPH
GERARD & HITZFIELD NANCY

3989 Belleview Road

PIDN: 002.00-00-016.00

Exhibit B
Zoning Map



Johnson, Madison

From: Van Horne, Amy (EEC) <Amy.VanHorne@ky.gov>
Sent: Thursday, March 30, 2023 10:23 AM
To: Peck, Angie
Cc: Wolff, Loren, V.; Johnson, Madison
Subject: RE: 2023.03.29 - Correspondence (NKY Aggregates)
Attachments: 2023.03.29 - Correspondence (NKY Aggregates) .pdf

Follow Up Flag: Follow up
Flag Status: Completed

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KYG840059

Angie,

Thank you for the information. Should adding this additional area require additional discharge locations, you will need to modify your current KPDES permit coverage. Let me know if you need anything else. I will place this in the file.

Thank you,
Amy

Amy Van Horne, P.E.

KY Division of Water
Stormwater Section Supervisor
300 Sower Blvd
Frankfort, KY 40601
(502) 782-7118
Amy.VanHorne@ky.gov

From: Peck, Angie <apec@dbllaw.com>
Sent: Wednesday, March 29, 2023 11:15 AM
To: Van Horne, Amy (EEC) <Amy.VanHorne@ky.gov>
Cc: Wolff, Loren, V. <lwolff@dbllaw.com>; Johnson, Madison <mjohnson@dbllaw.com>
Subject: 2023.03.29 - Correspondence (NKY Aggregates)

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Please see the attached correspondence.

Angie Peck
Receptionist
321 West Main Street Suite 2100
Louisville, KY 40202
Direct: (502) 630-1300

General: (502) 572-2500 Fax: (502) 572-2503
www.dblaw.com / apeck@dbl律.com



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Writer's Direct:
Phone: (859) 426-2108
Fax: (859) 788-2011
Email: lwolff@dbllaw.com

March 29, 2023

Via Certified Mail & Electronic Mail

Petersburg Fire Department
ATTN: Chief William E. Burke
3018 2nd Street,
Petersburg, Kentucky 41080
Email: petersburg@fuse.net

Re: Letter Providing Notice of New Project and Zoning Map Amendment

Dear Chief Burke,

We represent Northern Kentucky Aggregates, Inc. ("NKY Aggregates") in its request for a Zoning Map Amendment to the Boone County Planning Commission. NKY Aggregates currently owns property commonly referred to as 3743 and 3869 Belleview Road, Petersburg, Kentucky 41080 for the operation of its mining and production facilities of sand and gravel ("Current Zoning Property") (*See Exhibit A*). NKY Aggregates plans to purchase the adjacent property located at 3989 Belleview Road, Petersburg, Kentucky 41080 ("Proposed Zoning Property") (*See Exhibit A, GIS Map*).

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Chief Burke
May 1, 2023
Page 2 of 5

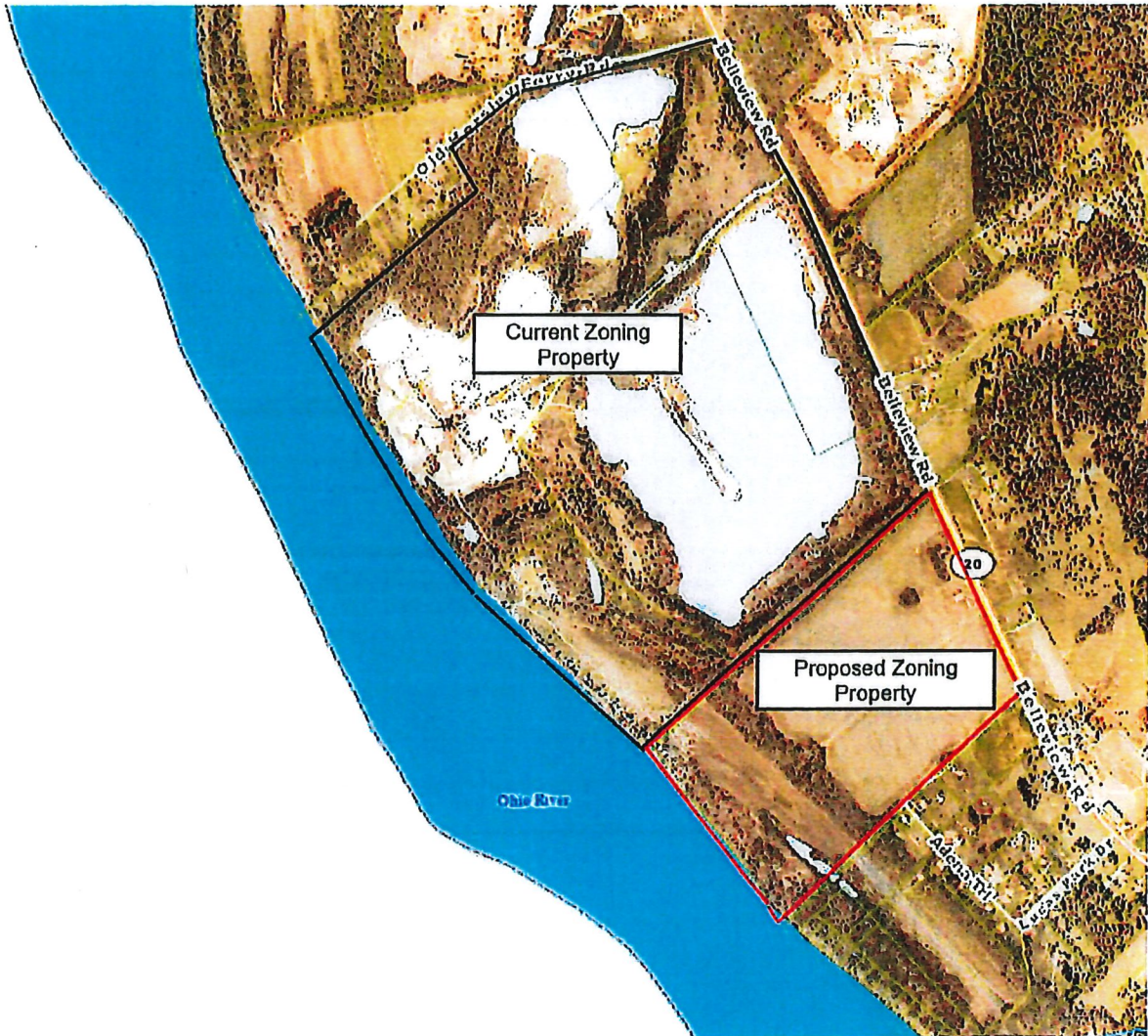
facilities located within the Current Zoning Property, as to eliminate any additional ingress or egress on Belleview Road.

We are providing this advance notice to alert of the planned use and to vet any potential issues with the proposed plan of the Current Zoning Property and the Proposed Zoning Property. Thank you in advance for your attention to this matter. Please contact me at the above telephone number and email.

Sincerely,

Loren Wolff
Dressman Benzinger LaVelle psc

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GIS Map



Current Mining Property

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Aggregate, Inc.

3743 Belleview Road
3989 Belleview Road

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Owners: HITZFIELD TIMOTHY
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GERARD & HITZFIELD NANCY

3989 Belleview Road

PIDN: 002.00-00-016.00

Exhibit B
Zoning Map

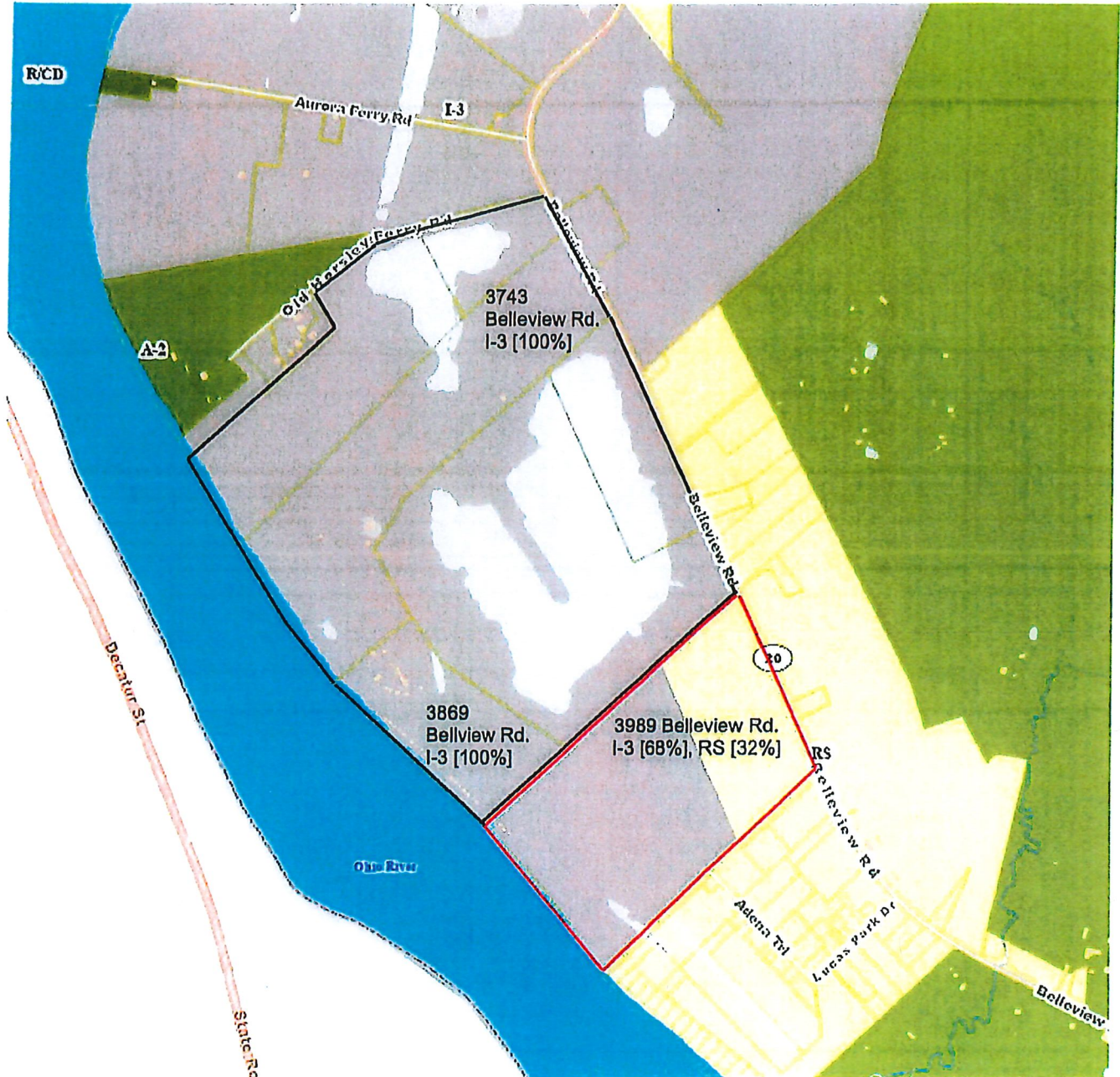


Exhibit C
 Site Plan

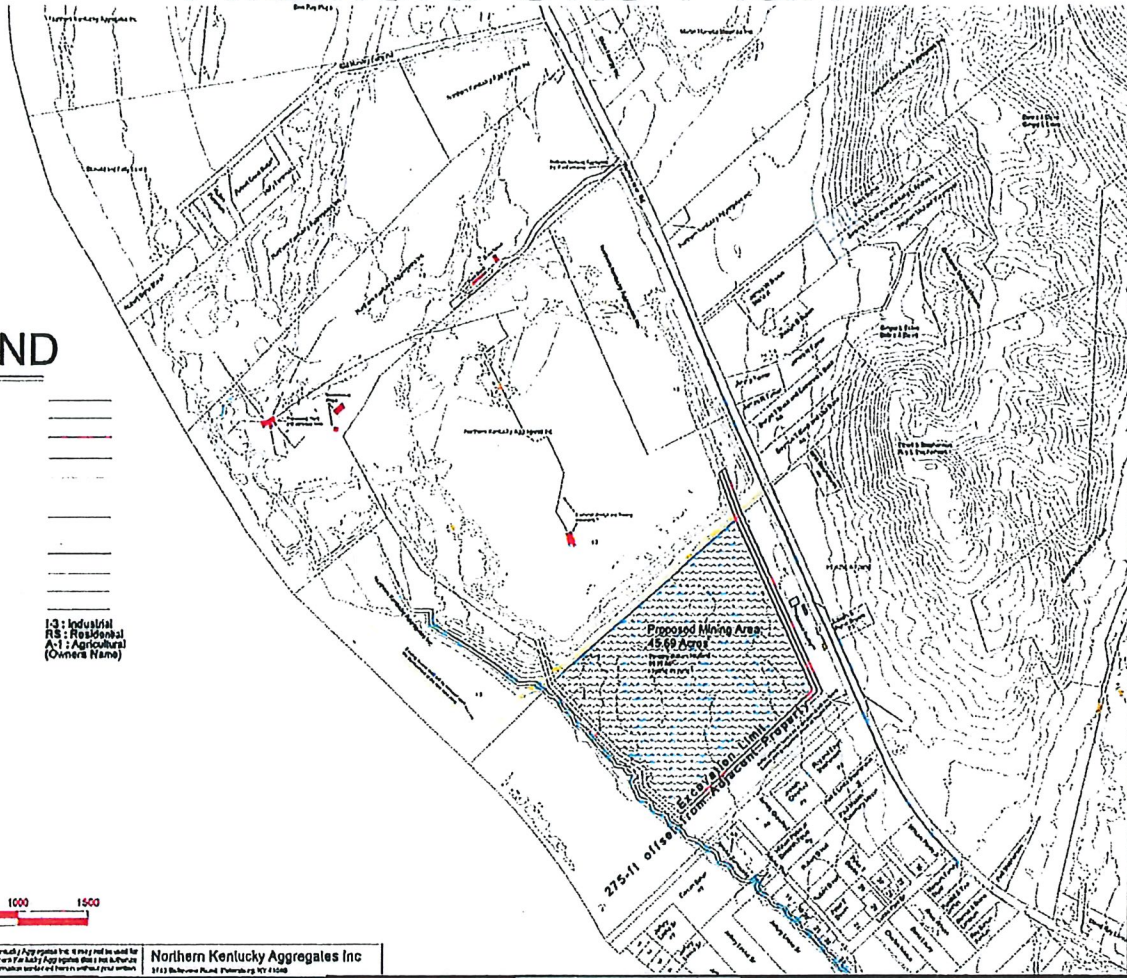
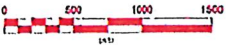
Hitzfield Site Plan



LEGEND

- Parcel Boundaries
- Proposed Mining Area
- Current Plant Location
- Vegetation Buffers
- Existing Access Road
- Proposed Access Road
- Proposed Berm
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- Flood Plain Buffer (25-ft)
- Contours (10-ft)
- Existing Powerlines
- Zoning Labels

- 1-3: Industrial
- RS: Residential
- A-1: Agricultural
- (Owner Name)



Date	10/05/22
File #	
Checked by	
Approved by	DJA
Facility	
<p>This map was prepared by Northern Kentucky Aggregates Inc. for the purpose of showing the proposed mining area and related infrastructure. It is not intended to be used for any other purpose. The map is based on aerial photography and other data provided to the company. The company is not responsible for any errors or omissions on this map.</p>	



Writer's Direct:
Phone: (859) 426-2108
Fax: (859) 788-2011
Email: lwolff@dbllaw.com

March 29, 2023

Via U.S. Mail & Electronic Mail

U.S. Army Corps of Engineers
Regulatory Division, Room 183
P.O. Box 59
Louisville, KY 40202-0059
Email: CELRL.Door.To.The.Corps@usace.army.mil

Re: Letter Providing Notice of New Project and Zoning Map Amendment

To Whom It May Concern,

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U.S. Army Corps of Engineers

March 29, 2023

Page 2 of 5

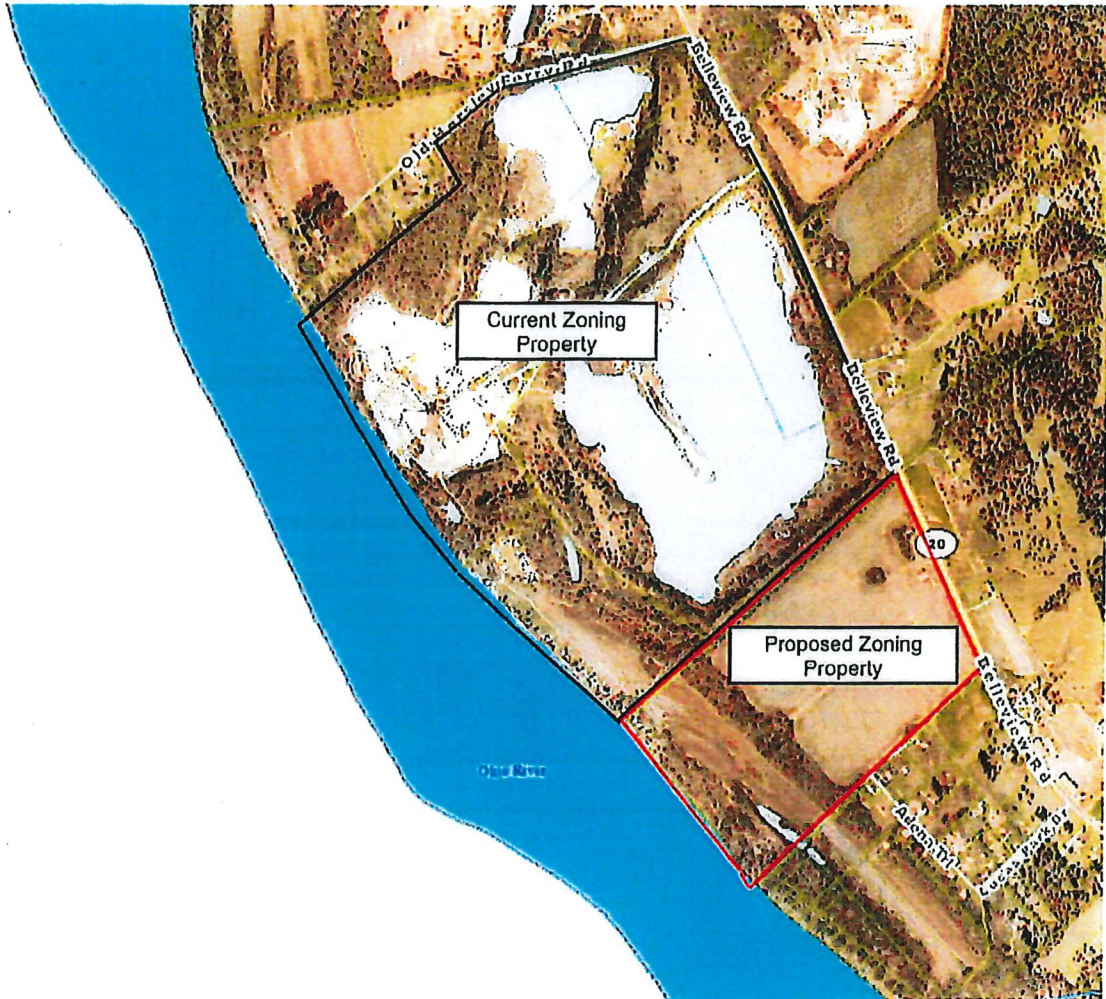
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Loren Wolff
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PIDN: 002.00-00-011.00
PIDN: 002.00-00-011.01
PIDN: 002.00-00-011.02

Proposed Mining Property

Owners: HITZFIELD TIMOTHY
WILLIAM & HITZFIELD DANIEL
LYNCH & HITZFIELD JOSEPH
GERARD & HITZFIELD NANCY

3989 Belleview Road

PIDN: 002.00-00-016.00

Exhibit B
Zoning Map

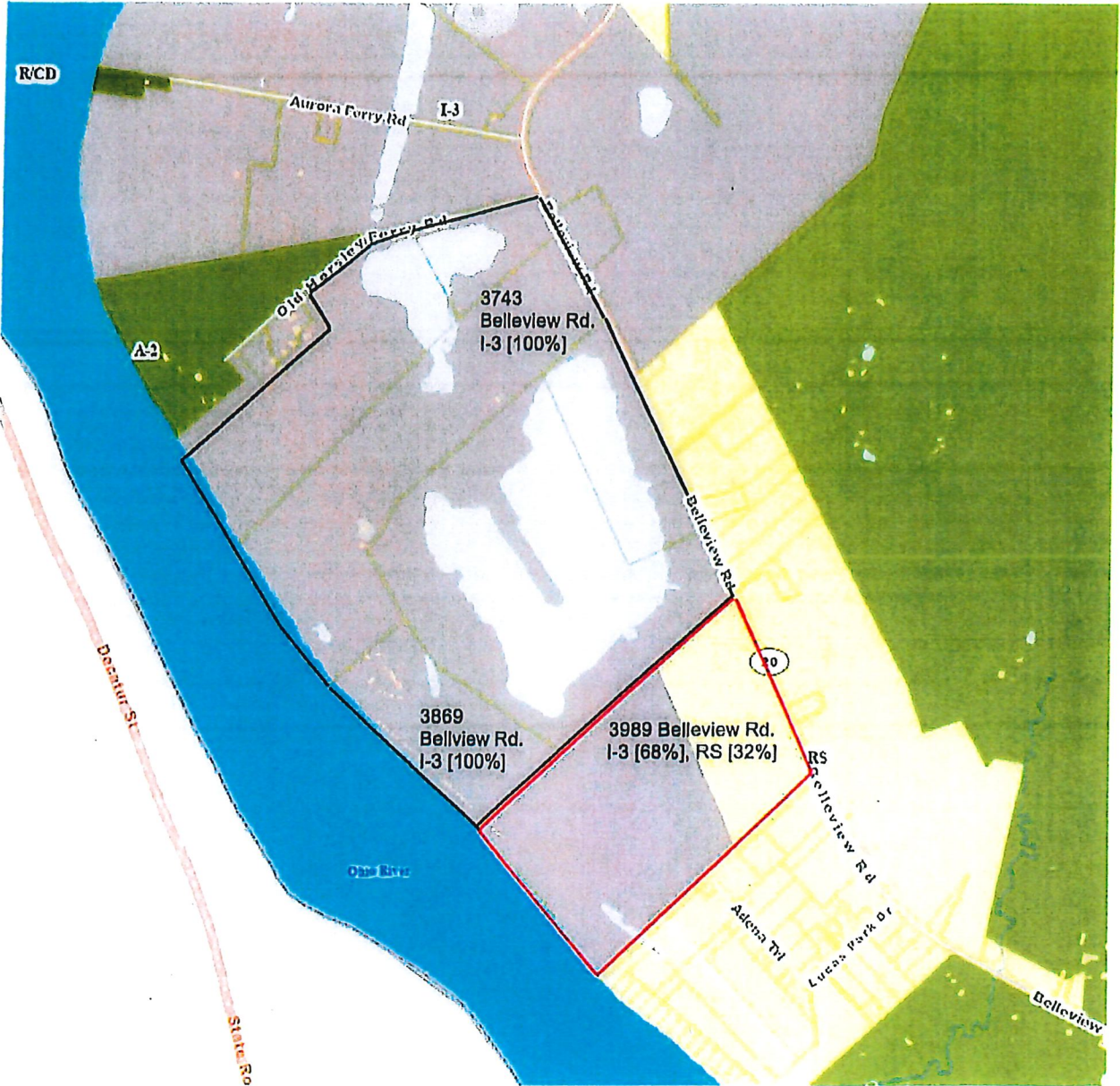


Exhibit C
 Site Plan

Hitzfield Site Plan



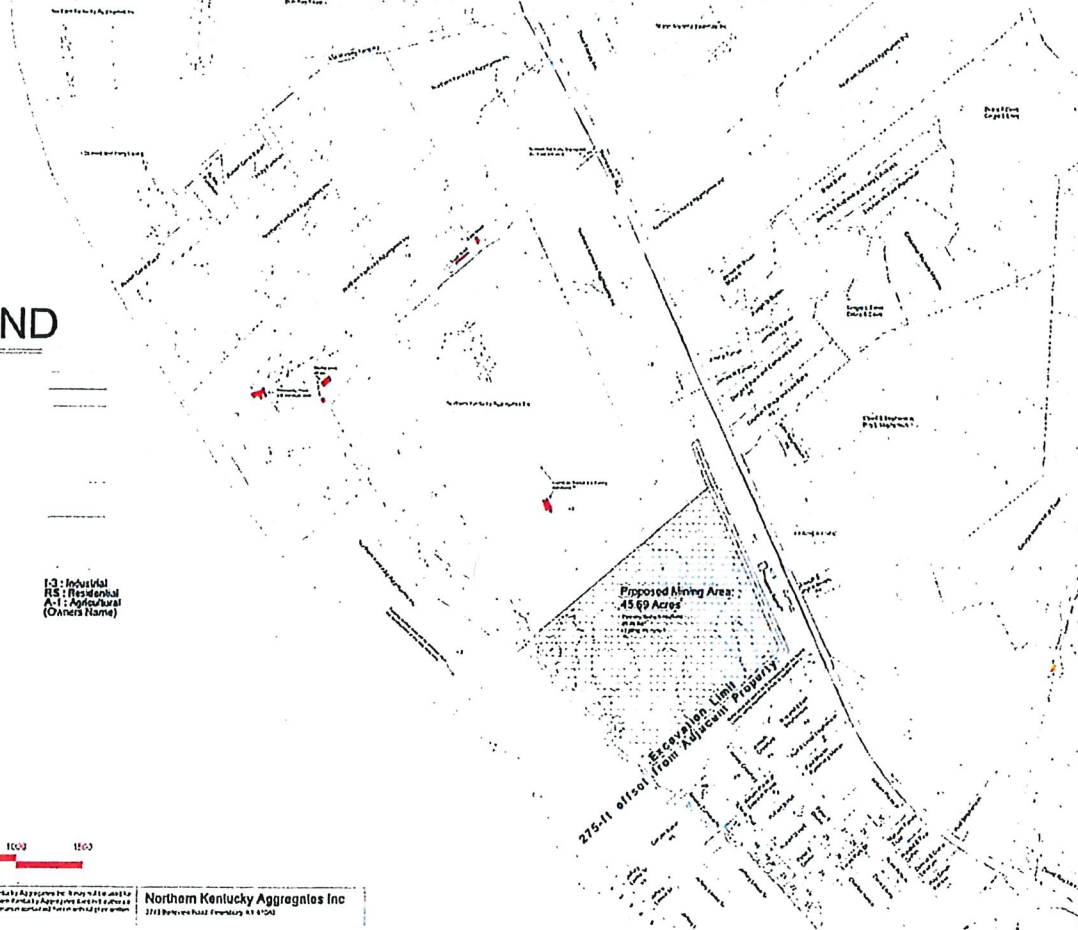
LEGEND

- Parcel Boundaries
- Proposed Mining Area
- Current Plant Locations
- Vegetation Buffers
- Existing Access Road
- Proposed Access Road
- Proposed Berm
- Existing Plant Cover
- Existing Structures
- Flood Plain Buffer (25-ft)
- Contours (10-ft)
- Existing Powerlines
- Zoning Labels

- 1-3 Industrial
- RES Residential
- A-1 Agricultural
- (Owner's Name)



THESE ARE THE TERMS AND CONDITIONS OF THE AGREEMENT...
 Northern Kentucky Aggregates Inc
 1111 Beechwood Parkway, Cincinnati, OH 45240



Date: 03/29/23
Scale:
Created by:
Approved by: CAG
Field No.:
1. This drawing is a site plan for the proposed mining area. It shows the location of the mining area, access roads, vegetation buffers, contours, and existing structures and powerlines.
2. The mining area is 45.69 acres in size.
3. The access roads are 275 feet offset from adjacent property.
4. The vegetation buffers are 10 feet wide.
5. The contours are 10 feet in elevation.
6. The existing structures and powerlines are shown as symbols.
7. The zoning labels are shown as alphanumeric codes.
8. The scale is 1 inch = 100 feet.
9. The north arrow is located in the upper left corner.
10. The legend is located in the lower left corner.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Corrin Gulick, Chair

DATE: August 2, 2023

RE: Request of **Northern Kentucky Aggregates, Inc., per Dennis Garrison (applicant) for Timothy William Hitzfield, Daniel Lynch Hitzfield, Joseph Gerard Hitzfield, and Nancy Hitzfield (owners)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial Three Surface Mining (I-3) for an approximate 32 acre area located at 3989 Belleview Road, Boone County, Kentucky. The request is for the expansion of an existing sand and gravel mining operation on an overall approximate 78 acre area located at 3989 Belleview Road, Boone County, Kentucky.

REMARKS:

1. We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the finding of fact and conditions, if deemed necessary, to complete the Committee Report.
2. We, the Committee, recommend approval of the above referenced Zoning Map Amendment based on the following findings of fact:

FINDINGS OF FACT:

1. The Committee concluded that the proposed I-3 district, along with the submitted concept development plan, is generally consistent with the Our Boone County Plan 2040 Future Land Use Plan Map.

The area to be rezoned is part of a larger lot which is predominantly identified for Industrial use. Additionally, approximately fifty (50) percent of the area to be rezoned is identified for Industrial use. The Future Land Use Map is not intended to identify precise boundaries, rather it is to be used as a guide and the land use boundaries can shift based upon a closer evaluation.

2. The Committee concluded that the proposed I-3 district, along with the submitted concept development plan, is consistent with the Our Boone County Plan 2040 Land Use Plan Element which states that the extraction of gravel along the Ohio River in this area should continue at established sites but new locations for extractive operations should be discouraged so as to allow alternative uses, such as recreational and low density residential development.

The applicant is currently mining sand and gravel immediately to the north of the site. The proposed zoning map amendment would be an expansion of this existing facility and would not constitute a new location.

3. The Committee concluded that the proposed I-3 district, along with the submitted concept development plan, is consistent with several Our Boone County Plan 2040 Goals and Objectives.
- a. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
 - b. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
 - c. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - d. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
 - e. Plans for new or redeveloped commercial, industrial, institutional, and residential sites shall be reviewed and reasonable measures taken to ensure identification and protection of significant cultural resources (Natural and Cultural Resources Goal C, Objective 8).
 - f. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 - g. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
 - h. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy Goal B, Objective 5).
 - i. Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy Goal B, Objective 7).
 - j. Provisions shall be made for proper control of industrial uses that involve processes or products that could be hazardous to human life and property (Economy Goal B, Objective 8).

The submitted concept development plan indicates that the proposed mining operations will be conducted in the same manner as the existing operation and that a significant landscaped buffer will be provided along the south and east perimeter of the site. Additionally, the submitted concept development plan indicates that the historic structure on the site will be retained.

The applicant has provided information indicating that the proposed mining operations will be conducted in the same manner as the existing operation and that the existing operations meet or exceed all required federal, state, and local regulations for safety and air quality. No credible information was submitted at the public hearing to refute the applicant's safety or air quality compliance records.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Northern Kentucky Aggregates

August 2, 2023

Page 3

4. The Committee concluded that the attached conditions are necessary to achieve consistency with the Our Boone County Plan 2040. The Committee also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with the condition:

CONDITIONS:

1. Development shall be consistent with the submitted Concept Development Plan, along with all supplemental information, except as modified by the following conditions.
2. All landscaping along the south and east perimeter of the larger lot shall be installed prior to the start of any dredging operations.
3. The proposed berm along the south property line of the larger lot shall be the first berm to be installed.
4. A hydrological report shall be prepared prior to the start of any dredging operations and any recommendations of that study shall be implemented.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Development Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Corrin Gulick, Chairwoman

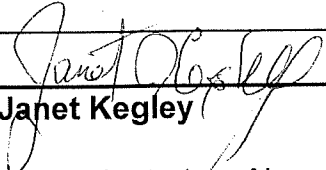
DATE: July 5, 2023

REMARKS:

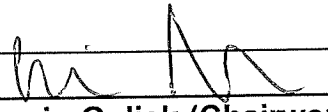
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONING MAP AMENDMENT, Corrin Gulick, Chairwoman, Michael Schwartz, Staff

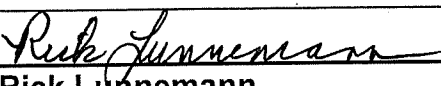
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Janet Kegley
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____




Corrin Gulick (Chairwoman)
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



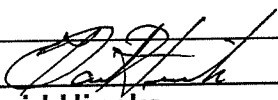
Rick Lunnemann
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Kathy Clark (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____



Steve Harper
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Steve Turner (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____



David Hincks
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Jackie Steele (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____

TOTAL: _____ DEFERRED _____ FOR PROJECT _____ ABSENT _____
_____ AGAINST PROJECT _____ ABSTAIN _____

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
JUNE 21, 2023
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's June 21, 2023 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Steve Lilly, Planner

Chairman Rolfsen introduced the first item on the Agenda at 7:30 p.m.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

1. Request of Northern Kentucky Aggregates, Inc., per Dennis Garrison (applicant) for Timothy William Hitzfield, Daniel Lynch Hitzfield, Joseph Gerard Hitzfield, and Nancy Hitzfield (owners) for a Zoning Map Amendment

from Rural Suburban (RS) to Industrial Three Surface Mining (I-3) for an approximate 32 acre area located at 3989 Belleview Road, Boone County, Kentucky. The request is for the expansion of an existing sand and gravel mining operation on an overall approximate 78 acre area located at 3989 Belleview Road, Boone County, Kentucky.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation (See Staff Report). The request is to rezone a 32 acre area to Industrial Three (I-3) to allow surface mining of sand and gravel. The site is located along Belleview Road. It is part of a larger lot. The larger lot is 78 acres in size according to PVA records but it measures out to 96 acres. The site is located just south of the Northern Kentucky Aggregate's current operation. It is located on the west side of Belleview Road approximately 1,800 feet north of Lucas Park Drive. It also has 1,600 feet of road frontage along Belleview Road. The history of the site can be found on Page 1 of the Staff Report. The site is currently occupied by the historic Hitzfield house. Access to the site is from Belleview Road. The subject site is currently zoned Rural Suburban (RS) while the remainder is zoned Industrial Three (I-3). Surface mining is already allowed on the remaining property. Mr. Schwartz described the surrounding zoning and land uses. Pages 1 & 2 of the Staff Report outline the pertinent sections of the zoning regulations and Pages 2-5 outline the pertinent sections of the Comprehensive Plan. The 2040 Future Land Use Map designates the site as Rural Lands (RL) and Industrial (I). Belleview Road is a State maintained arterial road. The Comprehensive Plan states that the "extraction of gravel along the Ohio River in this area should continue at established sites but new locations for extractive operations should be discouraged..." Mr. Schwartz showed photographs of the site and adjoining properties. The submitted Concept Development Plan shows the continued mining of sand and gravel and the retention of the existing Hitzfield house. Access to the site will be from the existing curb cut and operations. The applicant has provided a cross-section drawing showing the view from Belleview Road. Berms are being proposed along the roadway as well as between their operation and the residences. A landscaping plan has been submitted. It provides for a 270 foot wide perimeter buffer yard of berms and plantings. The existing landscaping buffer will be extended onto the site. Staff has reviewed the submitted Concept Development Plan against the Boone County Zoning Regulations and finds that it substantially meets the requirements of the zoning regulations. The applicant has stated there will be no additional truck traffic from the expanded area. The applicant has provided supplemental information as part of the application and it is included in the Staff Report. None of the outside agencies had any public comments regarding the application. Finally, the Staff has identified 3 concerns about the proposed landscaping plan. Those concerns are listed on Page 6 of the Staff Report.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Ms. Loren Wolfe, attorney representing Northern Kentucky Aggregates, stated that the total correct acreage of the larger parcel is 96 acres.

Mr. Rick Dostel, Northern Kentucky Aggregates, stated that the Company has been operating in the area since 1976. They have been involved in the Boone County Water Rescue by providing training in their lakes. They have been good stewards of their property. Currently, they operate on 324 acres of which 80 acres are actively mined. They only have one entrance and have a small office and scale on the site. In 2018, they eliminated a diesel power dredge and purchased an electric one. As a result, a lot of the noise was eliminated. They mine about 400,000 tons of aggregate a year. About 40-60 trucks visit the site each day. All aspects of the operation will remain the same. The dredge equipment will eventually be relocated to the zone change site should the zone change be approved. The conveyor belt will be extended to transport the aggregate to the trucks. There will be no increase in noise or dust. The existing berm is proposed to be extended to the new site along Belleview Road and next to the residential area. The lake will eventually be reclaimed.

Ms. Wolfe stated that the Hitzfield historic house was built in the 1940s and the barn in the 1930s. Both don't have an impact on the sand and gravel operation. It is not designated as an historic landmark. They have been operating at the site for over 50 years and they have dust suppression water equipment. They hold State and Federal Air and Water Quality Permits. Both are monitored by the Company. They completed a noise study. The closest house is 290 feet. Belleview Road is 218 feet. The only equipment that would impact noise would be the conveyor belt. It will be the same exact noise on the site. It would be shifting over. The noise report concluded that the noise from the site is atypical from a residential or agricultural area. She restated that the proposed use aligns with the Comprehensive Plan and the Zoning Regulations. The reclamation work is contemporaneous with the dredging activity. The ultimate land use will be a lake and open space. It will be mined for 27 years. Also, the proposed berm will help reduce the noise level. The existing lake will be 45 acres in size and most of it will sit on the portion of the site that is already zoned I-3. There won't be any visible change from the road due to the size of the landscape buffer and proposed landscaping. The request is consistent with the Boone County Comprehensive Plan.

Chairman Rolfsen asked the applicant to show the location of the existing lake relative to the subject site. Ms. Wolfe showed the location of the lake on the screen. She also showed the location of the dredge and the conveyor belt. The lake will gradually expand while dredge collects the aggregate. The lake is approximately 100 feet deep and full of fish.

Mr. Costello inquired when the applicant would construct the buffer and install the landscaping? Mr. Cory Kiser, Northern Kentucky Aggregates, replied that it will be built quickly – the first year likely because it is overburden from the lake. Either the buffer along the road or residences would be started first. It would make sense to start the berm affecting the neighbors first. It would be maintained by the Company.

Chairman Rolfsen asked if anyone wanted to speak in favor or against the request?

Mr. Robert Hall, 4200 Adena Trail, asked if the berm will be built high enough so they don't see equipment? Will the proposed activity affect his water well? Mr. Kiser referred to the cross-section drawing. The berms will be 10–15 feet tall. The lake level is about 30 feet below the berm plus the residence is at least a football field away from the lake location. The berm and trees help deflect the noise. They won't be affecting the water table at all. There is nothing that changes water quality. They already have a spill control plan in place. The dredge is electric so there is no diesel fuel.

Mr. James Crawford, Adena Trail, stated that the ground is located on top of an aquifer. All the houses in the area draw their water from the aquifer. Once it is contaminated, there is no potable water within a mile of the gravel mine. He expressed a concern for the quality of the water. If the applicant can't guarantee the safety of the water supply, can they provide public water to the residences on Adena Trail and Lucas Park Drive? Finally, will the applicant do an archeology study of the site? Chairman Rolfsen asked the applicant and Staff to look into the water issue.

Mr. James Barth, 4145 Adena Trail, suggested that the berm on the Lucas Park side go first because it will help him a lot instead of KY 20. In addition, he wants to know what will happen at the river end of the site? Will it include a barge operation? If the applicant could provide the access to public water, they would be a good neighbor.

Ms. Leslie Loveless, 3846 Akin Lane, stated she is a member of Riverland Camp. The campground has been there for 50 years. They have 47 campsites. Northern Kentucky Aggregates has told them that they have to leave by October even though they have a lease for 3 years. The applicant isn't using the campground because it is located in the 100 year floodplain. They are willing to make concessions to relocate their road. The lake will flood their road eventually. The campground has public water.

Chairman Rolfsen stated that the RV site campground issue is not before the Planning Commission.

Mr. David Quast, owner of Split Rock Conservation Park, stated that he didn't understand why the applicant had to expand into a residential area. They already have an existing mining area and the subject site is the appropriate buffer now. The applicant will still keep going down the road towards Split Rock. He is opposed to the expansion.

Ms. Melissa Fiedler, 14452 Worcester Road, stated that she is part of the Riverland Camp. They have also been good stewards of their campground. They have built a community and paid for water. She appreciated the opportunity to explain why they want to stay.

Ms. Lisa Montgomery, 6475 Stone Creek lane, asked if the dredging will affect the homes in terms of slippage? What about the hills that are across from the site? Will they be impacted by mining 100 feet below the surface? What about the effect of the rain. She is located one-half mile from the site.

Ms. Mabel Robinson, Bellview Road, asked about the health effects of the activity? What about crystalline silica? It causes cancer. What about air quality and dust? She stated that she can smell it. What about trucks using tarps? There are more mines on KY 20 – Martin Marietta, Vesper, etc.

Mr. Tim Hitzfield, property owner, gave a history of his family and the subject property. It has been in their family since 1843. It was farmed by the family. It is currently leased for corn and soybean production. The existing barn was moved to the site in the 1920s. It is used for storage. The house was built in the 1930s. It was a tenant house. No one currently lives in it. The family has always shared a border with Northern Kentucky Aggregates. They have been a good neighbor.

Mr. Brian Buckingham, 4045 Ryland Trace, stated that he is a leaseholder to the campground and really wants to preserve it so it can co-exist with Northern Kentucky Aggregates.

Chairman Rolfsen restated that the campsite is not part of the request so it can't be a condition.

Chairman Rolfsen asked if any Commissioners had any questions or comments?

Ms. Gulick asked Staff to locate the campground on an aerial photography. Mr. Schwartz showed the location of the campground and noted that an extension of the water line would be 3,500 feet along Belleview Road and 3,500 to 4,000 feet to the residences.

Chairman Rolfsen inquired on whether the applicant approached the Boone County Water District about extending the public water line to the neighborhood to avoid any impact of their development on the neighbors well system?

Mr. Kiser stated that he would be happy to talk to the neighbors and Boone County Water District. He offered to provide a letter. He is confident there won't be any problems. If there was a well complaint they would investigate it. Mr. Kiser further stated that his company has dust control methods and in their history, they have had no one with health effects from their sites. That includes silica. This includes people who work at the facility year round. They are going to mine the same amount of material. No more trucks than what is there now. He used the area near KY 20 as an example. They have been mining that area for years and there has been no sliding that has affected or damaged the road.

Mr. Lunnemann asked if they test for dust on a routine basis? Mr. Dave Abdon, plant manager, responded that they use monitors on employees. They are also inspected by the Federal Government every 2 years for dust and 5 years for noise. The hours of operation varies based upon demand. Now, they are working 6:00 a.m. to 6:00 p.m. Monday through Friday (March through October).

Mrs. Kegley asked if there was a plan to put in a pier for barges? Mr. Kiser responded no. They have a barging facility down the road. They can't mine in the floodplain area like the campground area. The road serving the campground area will be replaced with the expanded lake.

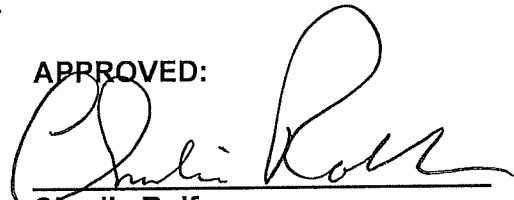
Chairman Rolfsen asked if the applicant could expand elsewhere? Mr. Schwartz replied that the applicant would have to purchase houses along Adena Trail.

Ms. Gulick asked if the RS was put in to be a buffer area for the I-3 mining use a while ago? Mr. Schwartz responded that he would look into that issue and report back to the Committee with an answer. He noted that the subject property has been zoned RS since 1980 or since the original Zoning Code. It was probably based on existing land uses at the time.

Mr. Harper asked if the gravel road serving the campground could be moved back to the southern property line? Mr. Kiser responded that he wasn't sure if it could because of the buffer requirements and steepness of the area.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 5, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 19, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:45 p.m.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
JUNE 21, 2023
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's June 21, 2023 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

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Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

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Mr. Rick Dostel, Northern Kentucky Aggregates, stated that the Company has been operating in the area since 1976. They have been involved in the Boone County Water Rescue by providing training in their lakes. They have been good stewards of their property. Currently, they operate on 324 acres of which 80 acres are actively mined. They only have one entrance and have a small office and scale on the site. In 2018, they eliminated a diesel power dredge and purchased an electric one. As a result, a lot of the noise was eliminated. They mine about 400,000 tons of aggregate a year. About 40-60 trucks visit the site each day. All aspects of the operation will remain the same. The dredge equipment will eventually be relocated to the zone change site should the zone change be approved. The conveyor belt will be extended to transport the aggregate to the trucks. There will be no increase in noise or dust. The existing berm is proposed to be extended to the new site along Belleview Road and next to the residential area. The lake will eventually be reclaimed.

Ms. Wolfe stated that the Hitzfield historic house was built in the 1940s and the barn in the 1930s. Both don't have an impact on the sand and gravel operation. It is not designated as an historic landmark. They have been operating at the site for over 50 years and they have dust suppression water equipment. They hold State and Federal Air and Water Quality Permits. Both are monitored by the Company. They completed a noise study. The closest house is 290 feet. Belleview Road is 218 feet. The only equipment that would impact noise would be the conveyor belt. It will be the same exact noise on the site. It would be shifting over. The noise report concluded that the noise from the site is atypical from a residential or agricultural area. She restated that the proposed use aligns with the Comprehensive Plan and the Zoning Regulations. The reclamation work is contemporaneous with the dredging activity. The ultimate land use will be a lake and open space. It will be mined for 27 years. Also, the proposed berm will help reduce the noise level. The existing lake will be 45 acres in size and most of it will sit on the portion of the site that is already zoned I-3. There won't be any visible change from the road due to the size of the landscape buffer and proposed landscaping. The request is consistent with the Boone County Comprehensive Plan.

Chairman Rolfsen asked the applicant to show the location of the existing lake relative to the subject site. Ms. Wolfe showed the location of the lake on the screen. She also showed the location of the dredge and the conveyor belt. The lake will gradually expand while dredge collects the aggregate. The lake is approximately 100 feet deep and full of fish.

Mr. Costello inquired when the applicant would construct the buffer and install the landscaping? Mr. Cory Kiser, Northern Kentucky Aggregates, replied that it will be built quickly – the first year likely because it is overburden from the lake. Either the buffer along the road or residences would be started first. It would make sense to start the berm affecting the neighbors first. It would be maintained by the Company.

Chairman Rolfsen asked if anyone wanted to speak in favor or against the request?

Mr. Robert Hall, 4200 Adena Trail, asked if the berm will be built high enough so they don't see equipment? Will the proposed activity affect his water well? Mr. Kiser referred to the cross-section drawing. The berms will be 10–15 feet tall. The lake level is about 30 feet below the berm plus the residence is at least a football field away from the lake location. The berm and trees help deflect the noise. They won't be affecting the water table at all. There is nothing that changes water quality. They already have a spill control plan in place. The dredge is electric so there is no diesel fuel.

Mr. James Crawford, Adena Trail, stated that the ground is located on top of an aquifer. All the houses in the area draw their water from the aquifer. Once it is contaminated, there is no potable water within a mile of the gravel mine. He expressed a concern for the quality of the water. If the applicant can't guarantee the safety of the water supply, can they provide public water to the residences on Adena Trail and Lucas Park Drive? Finally, will the applicant do an archeology study of the site? Chairman Rolfsen asked the applicant and Staff to look into the water issue.

Mr. James Barth, 4145 Adena Trail, suggested that the berm on the Lucas Park side go first because it will help him a lot instead of KY 20. In addition, he wants to know what will happen at the river end of the site? Will it include a barge operation? If the applicant could provide the access to public water, they would be a good neighbor.

Ms. Leslie Loveless, 3846 Akin Lane, stated she is a member of Riverland Camp. The campground has been there for 50 years. They have 47 campsites. Northern Kentucky Aggregates has told them that they have to leave by October even though they have a lease for 3 years. The applicant isn't using the campground because it is located in the 100 year floodplain. They are willing to make concessions to relocate their road. The lake will flood their road eventually. The campground has public water.

Chairman Rolfsen stated that the RV site campground issue is not before the Planning Commission.

Mr. David Quast, owner of Split Rock Conservation Park, stated that he didn't understand why the applicant had to expand into a residential area. They already have an existing mining area and the subject site is the appropriate buffer now. The applicant will still keep going down the road towards Split Rock. He is opposed to the expansion.

Ms. Melissa Fiedler, 14452 Worcester Road, stated that she is part of the Riverland Camp. They have also been good stewards of their campground. They have built a community and paid for water. She appreciated the opportunity to explain why they want to stay.

Ms. Lisa Montgomery, 6475 Stone Creek lane, asked if the dredging will affect the homes in terms of slippage? What about the hills that are across from the site? Will they be impacted by mining 100 feet below the surface? What about the effect of the rain. She is located one-half mile from the site.

Ms. Mabel Robinson, Bellview Road, asked about the health effects of the activity? What about crystalline silica? It causes cancer. What about air quality and dust? She stated that she can smell it. What about trucks using tarps? There are more mines on KY 20 – Martin Marietta, Vesper, etc.

Mr. Tim Hitzfield, property owner, gave a history of his family and the subject property. It has been in their family since 1843. It was farmed by the family. It is currently leased for corn and soybean production. The existing barn was moved to the site in the 1920s. It is used for storage. The house was built in the 1930s. It was a tenant house. No one currently lives in it. The family has always shared a border with Northern Kentucky Aggregates. They have been a good neighbor.

Mr. Brian Buckingham, 4045 Ryland Trace, stated that he is a leaseholder to the campground and really wants to preserve it so it can co-exist with Northern Kentucky Aggregates.

Chairman Rolfsen restated that the campsite is not part of the request so it can't be a condition.

Chairman Rolfsen asked if any Commissioners had any questions or comments?

Ms. Gulick asked Staff to locate the campground on an aerial photography. Mr. Schwartz showed the location of the campground and noted that an extension of the water line would be 3,500 feet along Belleview Road and 3,500 to 4,000 feet to the residences.

Chairman Rolfsen inquired on whether the applicant approached the Boone County Water District about extending the public water line to the neighborhood to avoid any impact of their development on the neighbors well system?

Mr. Kiser stated that he would be happy to talk to the neighbors and Boone County Water District. He offered to provide a letter. He is confident there won't be any problems. If there was a well complaint they would investigate it. Mr. Kiser further stated that his company has dust control methods and in their history, they have had no one with health effects from their sites. That includes silica. This includes people who work at the facility year round. They are going to mine the same amount of material. No more trucks than what is there now. He used the area near KY 20 as an example. They have been mining that area for years and there has been no sliding that has affected or damaged the road.

Mr. Lunnemann asked if they test for dust on a routine basis? Mr. Dave Abdon, plant manager, responded that they use monitors on employees. They are also inspected by the Federal Government every 2 years for dust and 5 years for noise. The hours of operation varies based upon demand. Now, they are working 6:00 a.m. to 6:00 p.m. Monday through Friday (March through October).

Mrs. Kegley asked if there was a plan to put in a pier for barges? Mr. Kiser responded no. They have a barging facility down the road. They can't mine in the floodplain area like the campground area. The road serving the campground area will be replaced with the expanded lake.

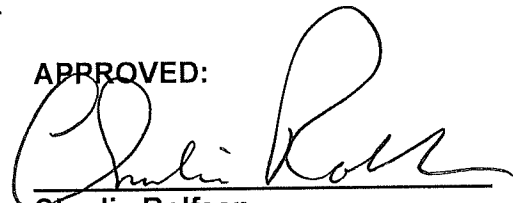
Chairman Rolfsen asked if the applicant could expand elsewhere? Mr. Schwartz replied that the applicant would have to purchase houses along Adena Trail.

Ms. Gulick asked if the RS was put in to be a buffer area for the I-3 mining use a while ago? Mr. Schwartz responded that he would look into that issue and report back to the Committee with an answer. He noted that the subject property has been zoned RS since 1980 or since the original Zoning Code. It was probably based on existing land uses at the time.

Mr. Harper asked if the gravel road serving the campground could be moved back to the southern property line? Mr. Kiser responded that he wasn't sure if it could because of the buffer requirements and steepness of the area.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 5, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 19, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:45 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
AUGUST 2, 2023
7:00 P.M.**

Vice-Chairwoman Corrin Gulick opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's August 2, 2023 Business Meeting. Ms. Gulick then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mrs. Janet Kegley
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Steve Lilly, Planner

APPROVAL OF THE MINUTES:

Vice-Chairwoman Gulick stated that the Commissioners received copies of the Minutes from the July 5, 2023 Business Meeting and Public Hearings. He asked if there were any comments or corrections?

Mr. Turner moved to approve the Minutes as presented. Mrs. Goetting seconded the motion and it carried unanimously.

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between July 6, 2023 and August 2, 2023.

EXPENSES:

Attorney Fees	\$ 4,600.00
Consultant/Professional Svcs Fees	10,752.25
Filing Fees (CLURS)	800.00
GIS Operations	7,319.99
Legal Ads/Recruitment	413.20
Miscellaneous Expense	829.30
Office & Board Meeting Supplies	1,401.72
Office Equipment / Expense	487.26
Postage Expense	500.00
Printing/Pub/Dues/Subscriptions	279.00
Professional Development	<u>644.00</u>

TOTAL: \$ 28,026.72

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,171.71
Health/Dental/Life/LTD	16,890.59
Retirement – BCPC Portion	22,670.63
Salaries – Staff Expenses	97,813.74
Salaries – BCPC & BOA	<u>895.00</u>

TOTAL: \$145,441.67

GRAND TOTAL: \$173,468.39

Mr. Hincks moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mr. Schwenke seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT and VARIANCE, Michael Schwartz, Staff

1. Request of **SL 1020 Petersburg Road LLC, per Holden Sabato (applicant/owner)** for: (1) a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) and a Change of Concept Development Plan within an existing Industrial One (I-1) district; and (2) a Variance reducing the corner side yard setback from fifty (50) feet to twenty-eight (28) feet, for an approximate 6.46 acre area located at 1020 Petersburg Road, Boone County, Kentucky. The request is to demolish the existing building and construct an approximate 98,000 square foot industrial/warehouse building.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and a Conditions for the Zoning Map Amendment and for the Variance request with one Condition. The applicant has signed the condition letter.

Vice-Chairwoman Gulick asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Jim Parsons, attorney for the applicant, stated that his client was okay with the Conditions of Approval. The site needs to be redeveloped as the existing office use is not needed anymore in the area. The request is consistent with the Comprehensive Plan. It meets the requirements of the zoning district and it will be a good project for the County.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions including the Variance request. Mr. Hincks seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT/VARIANCES, Steve Harper, Chairman, Todd Morgan, Staff

2. Request of **Listen to Amy LLC, per Wayne Smith (applicant/owner)** for: (1) a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 3.58 acre area located along the northeast side of Dolwick Drive at the Boone/Kenton County line, between Mineola Pike and Interstate Drive, approximately two hundred fifty (250) feet northwest of Interstate Drive, and having a Parcel Identification Number (PIDN) of 070.00-00-039.06, Boone County, Kentucky; and (2) Variances to: (a) reduce the minimum required front yard setback from fifty (50) feet to approximately five (5) feet; (b) reduce the minimum required landscape Buffer Yard A width along Dolwick Drive from ten (10) feet to approximately five (5) feet; and (c) reduce the minimum required landscape Buffer Yard D width along the northwest property line from eighty (80) feet to approximately twenty (20) feet for an approximate 3.58 acre area located along the northeast side of Dolwick Drive at the Boone/Kenton County line, between Mineola Pike and Interstate Drive, approximately two hundred fifty (250) feet northwest of Interstate Drive, and having a Parcel Identification Number (PIDN) of 070.00-00-039.06, Boone County, Kentucky. The request is for the development of two (2) buildings for office, truck repair, and truck storage use.

Mr. Harper moved to defer the request until the September 6, 2023 Business Meeting. The Committee Meeting is scheduled to be held on August 16, 2023 at 5:00 p.m. Mrs. Goetting seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT, Corrin Gulick, Chairwoman, Michael Schwartz, Staff

3. Request of **Northern Kentucky Aggregates, Inc., per Dennis Garrison (applicant) for Timothy William Hitzfield, Daniel Lynch Hitzfield, Joseph Gerard Hitzfield, and Nancy Hitzfield (owners)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial Three Surface Mining (I-3) for an approximate 32 acre area located at 3989 Belleview Road, Boone County, Kentucky. The request is for the expansion of an existing sand and gravel mining operation on an overall approximate 78 acre area located at 3989 Belleview Road, Boone County, Kentucky.

At this time, Mr. Bob Schwenke left the meeting room.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The applicant has signed the condition letter.

Vice-Chairwoman Gulick asked if there was anyone in the audience who wanted to speak in favor or against the request?

Ms. Loren Wolff, attorney for the applicant, stated that her client will no longer mine where the lake is located but rather shift the activity to the south and adjacent to the lake. It is not really an expansion. It is just shifting the mining operations as it will result in the same amount of mining activity.

Mr. Dennis Garrison, President of Northern Kentucky Aggregates, stated that it isn't a new operation but an expansion of their existing operation. The amount of truck traffic will stay exactly where it is at with the existing facility. The existing dredging equipment will simply be moved. Nothing else will change.

Mr. James Barth, 4145 Adena Trail, bought his property in September, 2022 and in March, 2023, the company started drilling holes for the gravel pit. Now he will have a new neighbor – a 60 acre lake. He is opposed to the project since his property will be devalued. He would like the Planning Commission to recommend to the Fiscal Court to provide City water to the residents on Lucas Park and Adena Trail. Why can't the public water be extended? The Planning Commission and the Fiscal Court should care.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion and it passed unanimously.**

Vice-Chairman Gulick stated that the public will have the opportunity to address the Fiscal Court when the matter is voted on officially. Mr. Costello will forward the Planning Commission's recommendation to the Fiscal Court on August 17th. The public should contact the Fiscal Court about their schedule. Mr. Schwartz showed where the public water line ends along KY 20. While the Planning Commission considers public water to be important, requiring the developer to extend the water when the proposed development doesn't have a direct impact to require it. There isn't the ability to require it. There is chlorinated water located four tenths of a mile up the road according to Mr. Barth.

At this time, Mr. Schwenke returned to the meeting room.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Todd Morgan, Staff

4. Perfetti Van Melle – 3645 Turfway Road

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The applicant would like a 4,100 square foot building addition for a mixing room. It will be constructed on CMU block and metal fascia. It will match the same color scheme. The Committee met prior to the Business Meeting and recommended approval.

Mr. Lunnemann moved to approve the request as submitted and presented by Mr. Morgan. Mr. Hincks seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

5. Chick-fil-A – 4980 Houston Road

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The project consists of 3 parts. A building addition is proposed to the rear of the building. A second part is the addition of a retaining wall along Houston Road as well as the construction of a larger canopy on the drive-thru pick-up side of the building. The Committee met prior to the Business Meeting and recommended approval subject to the seven conditions – (1) The building materials and colors of the building addition must match the existing building (2) The proposed canopy shall be identical and designed to have the same colors of the existing canopy; (3) Wing walls must be constructed with the same material and colors of the proposed building addition if mechanical equipment or Co2 tanks are installed on the building addition; (4) Lighting must meet the minimum requirements of the Zoning Regulations and any other previous Design Review requirements; (5) Landscaping shall meet the minimum requirements of the Zoning Regulations; (6) The distance between the bottom of the fascia and the ceiling of the canopy recess shall be a minimum of 8 inches; and (7) the proposed retaining wall shall be constructed with architectural grade material that matches the building. The representative from Chick-fil-A verbally agreed to the 7 conditions at the Committee Meeting. The Committee voted 2-1 in favor of the proposal with Mr. Hincks and Mrs. Goetting in favor and Mr. Lunnemann voting no.

Mr. Hincks moved to approve the request as presented by Mr. Schwartz with the 7 Conditions. Mrs. Goetting seconded the motion.

Mr. Lunnemann stated that he voted no because the canopy portion of the project was rather excessive. It is more than double the size of the order canopy. It is against the design principles and theories behind the Houston-Donaldson Study. He will vote no on the request. **The vote found Mrs. Goetting, Mr. Harper, Mr. Hincks, Mr. Richardson and Mr. Schwenke voting yes and Mr. Bessler, Ms. Gulick, Mr. Lunnemann and Mr. Turner voting no. The motion to approve the request passes by a vote of 5-4.**

NEW BUSINESS

ZONING MAP AMENDMENTS, Michael Schwartz, Staff

6. Request of **Steve Berling (applicant)** for **Webbs Excavation LLC, per Adam Reid (owner)** for a Zoning Map Amendment from Agriculture (A-1) to Agriculture/Planned Development (A-1/PD) for an approximate 6.6 acre area located at the terminus of Webb Lane, Boone County, Kentucky, and being part of the property with the address of 13203 Webb Lane and part of the property with the Parcel Identification Number (PIDN) of 043.00-00-016.02. The request is for a Zoning Map Amendment to allow the storage of trucks and supplies for an excavation company.

ZONING MAP AMENDMENTS, Michael Schwartz, Staff

7. Request of **Florence (Dixie & Mt. Zion) WW LLC, per Danielle E Yance (applicant)** for **ARRM Properties, per Garry Setters (owner)** for a Zoning Map Amendment from Commercial One (C-1) and Industrial Two (I-2) to Commercial Services (C-3) for an approximate 2.6 acre area located at the northwest corner of the intersection of Dixie Highway (US 25) with Mt. Zion Road (KY 536), Boone County, Kentucky, and being the properties with the Parcel Identification Numbers (PIDN) of 074.00-00-033.02 and 074.00-00-034.00 and a portion of the property located at 130 Mt. Zion Road. The request is for a Zoning Map Amendment to allow a 5,919 square foot convenience store with gasoline pumps.

Mr. Richardson moved to schedule the Public Hearings for Items #6 and #7 on September 6, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mrs. Goetting seconded the motion and it passed unanimously.

H. **Executive Director's Report:**

No Report

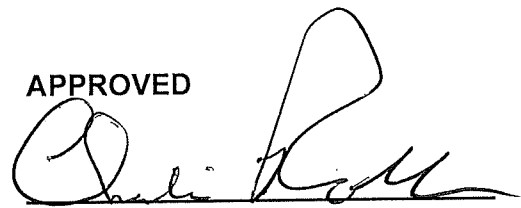
I. **Committee Reports:**

- Airport (Randy Bessler)
No Report
- Administrative/Personnel (Tom Szurlinski)
No Report
- Enforcement (Tom Szurlinski)
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)
No Report
- Technical/Design Review (Rick Lunnemann)
No Report

- Executive (Charlie Rolfsen)
No Report
- J. Vice-Chairwoman's Report: (Corrin Gulick)
No Report
- K. OKI Report: (Randy Bessler)
No Report
- L. Other:
- M. Adjournment:

There being no further business to come before the Planning Commission, **Mr. Turner moved to adjourn the meeting. Mr. Schwenke seconded the motion and it passed unanimously. The meeting was adjourned at 7:35 P.M.**

APPROVED



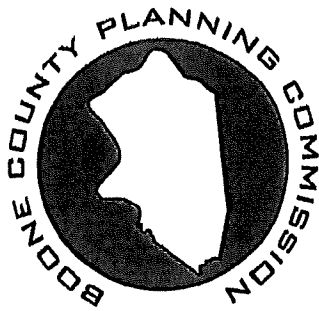
Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

July 6, 2023

Dennis Garrison
Northern Kentucky Aggregates, Inc.
11641 Mosteller Road Suite 1
Cincinnati, Ohio 45241

RE: Request of **Northern Kentucky Aggregates, Inc., per Dennis Garrison (applicant)** for **Timothy William Hitzfield, Daniel Lynch Hitzfield, Joseph Gerard Hitzfield, and Nancy Hitzfield (owners)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial Three Surface Mining (I-3) for an approximate 32 acre area located at 3989 Belleview Road, Boone County, Kentucky. The request is for the expansion of an existing sand and gravel mining operation on an overall approximate 78 acre area located at 3989 Belleview Road, Boone County, Kentucky.

To Whom It May Concern:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission at their July 5, 2023 meeting. As you verbally agreed to these conditions at that meeting, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office no later than July 25, 2023.

CONDITIONS

1. Development shall be consistent with the submitted Concept Development Plan, along with all supplemental information, except as modified by the following conditions.
2. All landscaping along the south and east perimeter of the larger lot shall be installed prior to the start of any dredging operations.
3. The proposed berm along the south property line of the larger lot shall be the first berm to be installed.
4. A hydrological report shall be prepared prior to the start of any dredging operations and any recommendations of that study shall be implemented.

Sincerely,

Michael D. Schwartz
Director, Zoning Services

MDS/ss

1/5

ORDINANCE 2023-18

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF NORTHERN KENTUCKY AGGREGATES, INC., PER DENNIS GARRISON (APPLICANT) FOR TIMOTHY WILLIAM HITZFIELD, DANIEL LYNCH HITZFIELD, JOSEPH GERARD HITZFIELD, AND NANCY HITZFIELD (OWNERS) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN (RS) TO INDUSTRIAL THREE SURFACE MINING (I-3) FOR AN APPROXIMATE 32 ACRE AREA LOCATED AT 3989 BELLEVIEW ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Rural Suburban (RS) to Industrial Three Surface Mining (I-3) for an approximate 32 acre area located at 3989 Belleview Road, Boone County, Kentucky, which is more particularly described below; and

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made Findings of Fact recommending approval, with Conditions, for the Zoning Map Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Rural Suburban (RS) to Industrial Three Surface Mining (I-3) for an approximate 32 acre area located at 3989 Belleview Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban (RS) zone is more particularly described in DEED BOOK: 1161, PAGE NO: 907 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for the recommendation of approval, with Conditions, for a Zoning Map Amendment request are the Findings of Fact, and Conditions, of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

The Boone County Planning Commission recommended approval for this request based on the Findings of Fact and Conditions as set forth in the Committee Report and marked as "Exhibit B."

Section Three

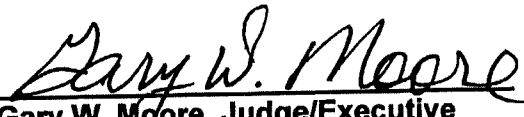
This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

First Reading the 22nd day of August 2023

Second Reading the 5th day of September 2023


Adopted this 5th day of September 2023

Yes 4 No 0



Gary W. Moore, Judge/Executive
Boone County Fiscal Court

ATTEST:



Shona Schulkers,
Fiscal Court Clerk

**ZONING MAP AMENDMENT APPLICATION
LIST OF ATTACHMENTS AND EXHIBITS
Northern Kentucky Aggregates, Inc.**

Attachments

Application Addendum

Concept Development Plan

Development Plan (SECTION 1104.3.A.1.a)

Exhibits

Exhibit A – Deed

Exhibit B – Site Plan

Exhibit C – Development Plan (Map)

Exhibit D - Landscape Concept Plan

Exhibit E - Area Map

Exhibit F – Applicant’s and Owner’s Written Consent

Exhibit G – Legal Description of Property to be Rezoned

Exhibit H - Name and Addresses of Abutting Property Owners

Exhibit I - Cross Section Map

Exhibit J - Noise Control Report

Exhibit K - Maximum Load Weight Limits of Public Road

Exhibit L - Correspondence with Local and State Agencies

APPLICATION ADDENDUM
Northern Kentucky Aggregates, Inc.

Introduction

Northern Kentucky Aggregates submits the following material in support of its application for a zoning map amendment to rezone a portion of a parcel of property located at 3989 Belleview Road, Petersburg, Kentucky (the “**Subject Property**”). Currently, the Subject Property is partially zoned Industrial Three (“I-3”) (approximately 68%) and partially zoned Rural Suburban (“RS”) (approximately 32%). The portion of the property currently zoned RS consists of approximately 32 acres of the 96 acre parcel.

Since 1976, Northern Kentucky Aggregates has been operating a sand and gravel mining operation at an abutting property commonly referred to as 3743 Belleview Road, Petersburg, Kentucky (“**Current Mining Property**”). Northern Kentucky Aggregates currently owns an approximately 324 acre site abutting the Subject Property (Northern Kentucky Aggregates utilizes approximately 80 acres of the land abutting the Subject Property for its sand and gravel mining operations). See attached Area Map attached as Exhibit E.

Northern Kentucky Aggregates desires to have the 32 acres on the Subject Property rezoned from RS to I-3 in order to shift its existing mining operations from its Current Mining Property to the Subject Property. This would involve expanding the existing lake (all mining activity takes place on the lake) on the Current Mining Property to the Subject Property (the “Proposed Mining Area as depicted on the Site Plan (Exhibit B)”). As described in more detail below, this will result in no change to the volume of mining that is currently being conducted by Northern Kentucky Aggregates.

About Northern Kentucky Aggregates

Northern Kentucky Aggregates has been operating its existing sand and gravel mining operations on Belleview Road since 1976. Northern Kentucky Aggregates has been actively supplying sand and gravel to construction, road, and industrial projects in the Northern Kentucky area for almost 50 years. Some notable projects include the construction and reconstruction of I-275 and I-75, numerous county road projects, and various housing developments. Northern Kentucky Aggregates also played a role in the expansion of the Greater Cincinnati International Airport, which included the construction of Concourse C and the installation of underground trams. Northern Kentucky Aggregates has supported Boone/Kenton Water Rescue by providing a place for training in the lakes and has employed various local volunteer fire department personnel. Northern Kentucky Aggregates has also participated in the Boone County Comprehensive Plan updates throughout the years.

Overall, Northern Kentucky Aggregates has made significant contributions to the development and infrastructure of Northern Kentucky and has a strong track record of collaboration with local organizations

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which it will continue. Allowing Northern Kentucky Aggregates to shift its mining operations to the Subject Property, Northern Kentucky Aggregates will continue to play a role in the economy and community of Boone County for the decades ahead.

About the Subject Property

The Subject Property is currently owned by members of the Hitzfield family. According to the Hitzfield family, the Subject Property has been used for residential and agricultural purposes for nearly 150 years (from approximately the 1840's until 1985). The Hitzfield family operated the Subject Property as a farm. Since 1985 the farm has been rented on a per acre basis to various tenants. There is a house that sits on the property that was built in the 1940's and a barn that was built in the 1930's (see below for more information regarding the house and barn). There are no other structures on the Subject Property.

Information regarding the barn and house on the Subject Property

The Boone County Architectural Survey describes the barn as a "privy, timber frame tobacco barn" with an unknown date of construction (See pg. 151 of the Boone County Architectural Survey). The house is not mentioned in the Boone County Architectural Survey. As mentioned above, according to the current owners of the Subject Property, the barn was built in the 1930's and has been expanded and modified multiple times over the years. It is in relatively poor condition.

Neither the barn nor the house are listed on the National Register of Historic Places (confirmed with Kentucky Heritage Council and a search of the national registry). The barn and house are not considered a "Historic Landmark" under the Boone County Zoning Code and the Subject Property is not within a Historic Overlay (the applicant has conferred with Boone County Historic Preservation). While it does not appear that either structures would be regulated by any historic preservation regulations, it should be noted that both structures sit in the required buffer area that cannot be mined.

Northern Kentucky Aggregates' Existing Mining Operations

Northern Kentucky Aggregates conducts sand and gravel mining operations on the Current Mining Property. As mentioned above, Northern Kentucky Aggregates currently owns an approximately 324 acre site abutting the Subject Property (Northern Kentucky Aggregates utilizes approximately 80 acres of the land abutting the Subject Property for its sand and gravel mining operations). The Current Mining Property contains a scale house and scale (a small building used as an office and scale to weigh trucks), a processing plant (sand and gravel is sorted and processed), conveyors (to carry the sand and gravel from the lake to the processing plant), a dredge (the equipment in the lake that mines the sand and gravel), and various other

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pieces of equipment. All of these existing structures and equipment will be used in association with the proposed development (i.e., there will be no structures or equipment used in association with the proposed mining activities on the Subject Property).

Presently, Northern Kentucky Aggregates produces approximately 400,000 tons of sand and gravel per year. There are an average of 40-60 trucks per day that visit Northern Kentucky Aggregates. Again, Northern Kentucky Aggregates proposes to simply shift its operations to the Subject Property so there will be no increase in total mining activity, as such, the volume of truck traffic will remain the same under the proposed development.

Northern Kentucky Aggregates' Existing Permits

Northern Kentucky Aggregates currently holds all necessary permits for its existing mining operations on the Current Mining Property, which include the following:

- Air Quality Permit (#S-15-103)
- KPDES "Mineral Mining and On Site Processing" Permit (#KYG840059)
- KY DNR Surface Mining Permit (#008-9605 KNREPC)
- "Permit to Withdraw Public Water" (#1406 and #1407)

Northern Kentucky Aggregates has maintained all applicable permits and remained in good standing throughout its history of operations on the Current Mining Property.

Zoning

Consistent with much of the surrounding area, Northern Kentucky Aggregates' Current Mining Property is zoned I-3. The Subject Property is partially zoned I-3 (approximately 68%) and partially zoned RS (approximately 32%). Sand and gravel extraction is a permitted use in an I-3 district (with a Special Use Permit). The portion of the property to be rezoned consists of approximately 32 acres.

The mining use has existed on the Current Mining Site since 1976 and, as such, is grand-fathered from the Surface Mining Special Use Permit application process. Northern Kentucky Aggregates will seek a Special Use Permit immediately following the conclusion of this zoning map amendment process.

Proposed Use

As mentioned above, Northern Kentucky Aggregates desires to shift its existing sand and gravel mining operations from the Current Mining Property to the Subject Property. This would involve expanding the

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existing lake on the Current Mining Property to the Subject Property (the "Proposed Mining Area" as depicted on the Site Plan (Exhibit B)).

The majority of the equipment and facilities associated with Northern Kentucky Aggregates' existing mining operations would remain on the Current Mining Property. The scale house and processing plant would remain on the Current Mining Property. The entrance to Belleview Road would also remain on the Current Mining Property as well (there are no plans to build an entrance on Subject Property to Belleview Road).

As depicted on the attached Site Plan (Exhibit B), the following is a summary of improvements and equipment that would be used in connection with Northern Kentucky Aggregates' mining operations on the Subject Property. Again, no structures will be built on the Subject Property.

- The dredge (the piece of equipment used to mine the sand and gravel) will move from the Current Mining Property to the Subject Property;
- An internal access road will be built to the west of the Proposed Mining Area in order to connect the Subject Property to the Current Mining Property. This internal access road would be used solely by Northern Kentucky Aggregates for accessing its operations on the Subject Property and maintenance of equipment;
- A conveyor (approximately 3,000 feet long) would be installed to convey mined material from the Subject Property to the Current Mining Property.

Special Use Permit (Application #8)

Northern Kentucky Aggregates' proposed use is a permitted use in the I-3 district so a conditional use permit or variance will not be necessary. Following the completion of the zoning map amendment, Northern Kentucky Aggregates will submit an application for a Special Use Permit for the Subject Property. Note that, as mentioned above, Northern Kentucky Aggregates does not have a Special Use Permit for its existing operations because its mining operations began before the current Special Use Permit process was enacted.

The following are other organizations/agencies the applicant has discussed the application with (#15):

- Kentucky Transportation Cabinet
- United States Army Corps of Engineers
- Kentucky Heritage Council

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- Boone County Historic Preservation

See attached Exhibit L for all correspondence regarding this zoning map amendment application between the applicant and the above referenced entities.

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A(1)(a)—General Site Characteristics

The Subject Property is currently owned by Timothy William Hitzfield, Daniel Lynch Hitzfield, Joseph Gerard Hitzfield, and Nancy Hitzfield. See Deed attached and marked as Exhibit A.

See attached Site Plan (Exhibit B) and Development Plan (Exhibit C) for information regarding existing soils, drainage, vegetation, and other physical characteristics.

A(1)(b)—Transportation Patterns

Northern Kentucky Aggregates proposes to shift its current mining operations to the Subject Property, as such, there will be no increased volume in its mining activity (Northern Kentucky Aggregates will continue to mine approximately 400,000 tons of sand and gravel per year). As a result, existing transportation patterns will remain unchanged.

Northern Kentucky Aggregates' Current Mining Property has one entrance to Belleview Road located at the far north end of its Current Mining Property. This is the only entrance used for ingress and egress to a public road (Bellview Road). This will remain the only entrance for ingress and egress to Belleview Road when mining operations begin on the Subject Property (i.e., no new ingress and egress will be built on the Subject Property).

Currently on the Current Mining Property, the internal road from Belleview Road leads to a "scale house" (a small building) and truck scale where trucks are weighed. Trucks then follow the internal road to the processing plant where they load their selected sand and gravel products. The trucks then return to the scale house and truck scale to be weighed. The trucks then exit to Belleview Road. Typically, the trucks then take routes north to access I-75 and south to access I-275.

There is an existing internal road used by employees of Northern Kentucky Aggregates only on the Current Mining Property. In order to connect the Current Mining Property with the Subject Property, a new internal road will be installed on the western edge of the Proposed Mining Area on the Subject Property and connect to the existing internal road on the Current Mining Property. The new internal road will allow Northern Kentucky Aggregates to access its mining operations on the Subject Property and perform maintenance on the conveyor (that connects to the existing plant on the Current Mining Property). The new internal road will be used by employees of Northern Kentucky Aggregates only. The proposed internal road is depicted on the Site Plan (Exhibit B).

A(1)(c)—Land Use Characteristics

A portion of the Subject Property is currently zoned I-3 (approximately 68%) and partially zoned RS (32 acre portion of the Subject Property accounting for approximately 32% of the total of the Subject Property). The Subject Property is currently used for agricultural purposes (the current owners rent out land on a per acre basis). There are currently two structures on the Subject Property: a barn built in the 1930's and a

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house built in the 1940's. The barn is approximately 80 feet x 40 feet. The house is approximately 47 feet x 63 feet. Both have been vacant for many years.

See attached Site Plan (Exhibit B) and Development Plan (Exhibit C) for the exact location of the structures, depiction of the open spaces, and other land use characteristics.

A(1)(d)—Utilities and Infrastructure

There are no existing utilities or related infrastructure on the Subject Property. Existing power lines along the public right of way on Bellevue Road are depicted on Development Plan (Exhibit C).

In order to operate the dredge on the Subject Property, Northern Kentucky Aggregates would extend its existing private electric lines to the Subject Property. As currently proposed, new access to the existing power lines would not be needed.

A(1)(e)—Relationship of Proposed Zone Change with Comprehensive Plan

The Subject Property is in the Petersburg area of the Future Land Use Map of the Comprehensive Plan. The Comprehensive Plan states that "extraction of gravel along the Ohio River in the town of Petersburg should continue at the established sites..." (See Comprehensive Plan pg. 106, Petersburg). The Current Mining Property and the Subject Property sit within a concentration of mining uses. See Area Map (Exhibit E). Therefore, the Property and its use remains consistent with the Comprehensive Plan's goal that "Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses. (See p. 9, Economy Goal B).

In addition, the Proposed Mining Area will consist of the type and character of mining that is currently active along the Ohio River in the Petersburg area (See Comprehensive Plan, page 106). Also, the Bellevue/Mcville area, which abuts the Petersburg area to the south, includes the objective "that New extraction operations should be confined to sites adjacent to existing operations between KY 20 and the Ohio River" (See Comprehensive Plan, page 115).

The project is also consistent with the Comprehensive plan in that it is promoting a sustainable economy by allowing Northern Kentucky Aggregates to continue create jobs in Boone County that are compatible with surrounding land uses. (See Comprehensive Plan, page 3).

The project will also preserve and enhance the significant natural resources of Boone County in access to the Ohio River, open space, and native vegetation which are unique and important characteristics of this area (See Comprehensive Plan, page 3). As such, this project will "preserve and promote an overall high quality of life while allowing an economic return" (*Id.*).

Further, the Proposed Mining Area will not hinder or deter development of surrounding undeveloped properties in accordance with the Comprehensive Plan, as the Comprehensive Plan states that this area is

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to be zoned as Industrial, Rural Land and Rural Density Residential. (See Comprehensive Plan, page 9, Economy Goal B).

In summary, because Northern Kentucky is simply expanding its existing site, the proposed development will continue to strike a balance in land uses. And through Northern Kentucky Aggregates long standing track record of responsible land use management, Northern Kentucky Aggregates will continue to contribute to the Boone County economy and support Boone County's unique environmental assets along the Ohio River.

A(1)(f)—Reduction of Concept Development Plan (attached and enclosed)

Not applicable.

A(1)(g)—A variance or conditional use permit is not required

The applicant will submit a Special Use Permit application immediately following the conclusion of the zoning map amendment process.

A(2)(a)—Minimum requirements of items A.1.a-A.1.g

See above.

A(2)(b)—Adjacent property and existing land uses within 200 feet of the parcel.)

See Site Plan (Exhibit B).

A(2)(c)—The location, description and size (acreage) of land uses

The Subject Property is currently used exclusively for agricultural purposes. See attached Site Plan (Exhibit B) and Development Plan (Exhibit C) for the exact location of the structures, depiction of the open spaces, and other land use characteristics. The Subject Property has not been used for residential purposes for many years.

A(2)(d)—Approximate location and number of residential units (if any) along with approximate square footage, density and height

There is currently one (1) house built in the 1940's on the Subject Property that, according to the current owners, has been vacant for many years. The house is approximately 47 feet x 63 feet. According to the current owners, the house has been vacant for many years. See attached Site Plan (Exhibit B) and Development Plan (Exhibit C) for the exact location of the house. Northern Kentucky Aggregates does not plan to build any buildings on the Subject Property.

A(2)(e)— Approximate location and size (square footage) of non-residential buildings

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There is one (1) non-residential building on the Subject Property: a barn that, according to the current owners, was built in the 1930's. The barn is approximately 80 feet x 40 feet. See attached Site Plan (Exhibit B) and Development Plan (Exhibit C) for the exact location of the barn. Northern Kentucky Aggregates does not plan to build any buildings or structures on the Subject Property.

A(2)(f)—The location of public and private roads, rights-of-way, easements and parking

There are no designated parking areas or public rights-of-way on the Subject Property. As noted above, an existing internal road on the Current Mining Property will be removed and a new internal road (for employee use only) will be installed on the western portion of the Subject Property and Current Mining Property in order to allow for access and maintenance related to the mining operations. See Site Plan (Exhibit B) and Development Plan (Exhibit C).

The following are existing recorded easements related to the Subject Property:

- Easement to Consolidated Telephone Company filed November 12, 1965, and recorded in Miscellaneous Book 35, Page 170, of the Boone County Records.
- Reservations, restrictions, covenants, limitations, easements and/or other conditions as stated in instruments filed March 12, 2021 in Book D1161, Page 907, and June 2, 1975 in Deed Book 213, Page 142, both of the Boone County Records.

A(2)(g)—Calculation of approximate amount of open space both before and after construction. Indicate areas of expected open space and new landscaping. Include maintenance plans for these areas

Currently, other than the structures (the house and barn) noted on the attached Development Plan (Exhibit B) and Site Plan (Exhibit C), the entire 96 acre Subject Property consists of primarily open space—some of which is used for agricultural purposes.

The Proposed Mining Area will consist of an approximately 45.69 acre lake. The remaining land will consist of the following open space and landscaping:

- Berm surrounding the Proposed Mining Area (5.65 acres)
- Outer buffer (4.47 acres)
- Inner buffer (14.33 acres)
- Remaining open area (25.81 acres)

As depicted on the Site Plan (Exhibit B), Development Plan (Exhibit C), and the Landscape Concept Plan (Exhibit D) further described below, Northern Kentucky Aggregates plans to install vegetation buffers.

Northern Kentucky Aggregates will maintain the open areas including landscaping in accordance with its current and long standing maintenance practices for the Current Mining Property.

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A(2)(h)—Conceptual landscape plan that indicates the locations of landscape and buffering features. For applications involving the EPD, RPD, or PD overlay, design guidelines that include landscaping standards shall be provided for multi-phased projects

See attached Site Plan (Exhibit B), Development Plan (Exhibit C), and the Landscape Concept Plan (Exhibit D) for the approximate location and depiction of landscape and buffering features on the Subject Property.

A(2)(i)—Where portions of the site are subject to flooding, the Concept Development Plan shall indicate extent and frequency.

The 100 year floodplain is depicted on the Site Plan (Exhibit B), Development Plan (Exhibit C) (approximately 25.81 acres of the Subject Property). No mining activity will take place in the floodplain—it will remain open space.

A(2)(j)—General location of water, sanitary sewer, telephone, electrical and storm water lines. Capacity levels are recommended.

There are no existing utilities or related infrastructure on the Subject Property. Existing power lines along the public right of way on Belleview Road are depicted on Development Plan (Exhibit C). As stated above, in order to operate the dredge on the Subject Property, Northern Kentucky Aggregates would extend its existing private electric lines to the Subject Property.

A(2)(k)—General description of the availability of community facilities such as schools, fire protection services and other types of facilities that would serve the development, if any, and how these facilities are affected by this proposal.

As noted, Northern Kentucky Aggregates' proposed use on the Subject Property involves shifting its existing mining operations from the Current Mining Area to the Subject Property. The net effect will be no increased mining activity in terms of volume and no increased traffic volume. As a result, it is not anticipated that the community facilities or services that Northern Kentucky Aggregate currently utilizes will be impacted by this proposal.

A(2)(l)—Approximate location and size of storm water detention and/or retention areas.

The storm water detention area is located at the following approximate coordinates (consisting of approximately 1.5 acres): 39.0464032826525, -84.8872240853656 and 39.043253859907566, -84.88446060438424. See Site Plan (Exhibit B), Development Plan (Exhibit C) for the exact location of the storm water detention area.

A(2)(m)—Information describing proposed signage (types, sizes, materials, and locations on site). For applications involving the EPD, RPD, or PD overlay, design guidelines that include signage standards shall be provided for multi-phased projects.

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There will not be any signage on the Subject Property.

A(2)(n)—Construction schedule of the project. For multi-phased projects, submit a phasing plan that describes the anticipated timing and geographical extent of each phase.

Estimated construction schedule to prepare the Subject Property for mining would be approximately six (6) months to one (1) year. The site will be prepared for mining activity initially by establishing the sight barrier/earthen berm (with associated planting) around the area where mining will occur. The fill for the construction of this barrier will come from the removal of overburden that lies on top of the sand and gravel mining deposit. Not all of the overburden will be removed at once so as to contemporaneously reclaim the mined portions of the property as new sections are mined. The initial berm will require 45,000 cubic yards of material to complete construction.

A conveyor (approximately 3,000 feet long) will be installed to convey mined material from the Subject Property to the existing plant. An internal road (for employees only) would also be installed to allow for maintenance activity along the conveyor and its endpoints. The internal road and conveyor will allow the Current Mining Property's ingress and egress to remain the main entrance where customer trucks will enter and exit.

There will be associated electric work of relocating the support electrical components for operation of the clamshell dredge. This would include disassembly and assembly, concrete slab work, electrician labor, and site preparation.

A(2)(o)—Detailed traffic study if the proposed development is large-scaled or if the project would significantly alter existing traffic patterns or volume (refer to ARTICLE 32).

Northern Kentucky Aggregates is not expanding its existing mining volume. Furthermore, the existing ingress and egress to Belleview Road from the Current Mining Property will remain the only ingress and egress (no new access to Belleview Road will be installed on the Subject Property). As a result, there will be no alterations to existing traffic patterns or volume so a traffic study will not be necessary.

A(2)(p)—Images of the proposed buildings to demonstrate the intended architectural appearance and character. For applications involving the EPD, RPD or PD overlay, design guidelines that include architectural standards shall be provided for multi-phased projects.

There are no plans to build any buildings or structures on the Subject Property.

A(2)(q)—For applications involving the EPD or RPD districts, a table of proposed dimensional standards for the proposed land uses or phases including lot sizes and frontages, building heights and intensities, and setbacks. For applications involving the PD overlay district, a description of any requested exceptions to the requirements of the underlying district.

There are no plans to build any buildings on the Subject Property.

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A(2)(r)—For applications involving the PD overlay, EPD, or RPD districts, a written narrative that describes how the applicable requirements and standards in ARTICLE 16 have been.

The intent of the Employment Planned Development (“EPD”) is to “allow unique combinations of uses and create high quality design which cannot be effectively achieved under other zoning districts” and to “promote creativity in living and business environments through compliance with the adopted comprehensive plan” (Section 1600(A)). Furthermore, the intent of the EPD is to create “substantial density in designed parts of a site and the creation and/or retention of open space, amenities, and natural features in other parts of a site...” (*Id.*). As discussed in more detail above, the Subject Property and Proposed Mining Area conforms to the adopted Comprehensive Plan with respect to the type, character and intensity of use and impact on public facilities, services and road network.

The Subject Property is located within the town of Petersburg which remains mainly undeveloped agricultural area. Currently, the Subject Property is partially zoned I3 (approximately 68%) and partially zoned RS (approximately 32%). The portion of the property currently zoned RS consists of approximately 32 acres of the 96 acre parcel. Since 1976, Northern Kentucky Aggregates has operated a sand and gravel mining operation at the abutting Current Mining Property. The Current Mining Property consists of an approximately 324 acre site (Northern Kentucky Aggregates utilizes approximately 80 acres of the land abutting the Subject Property for its sand and gravel mining operations). See Area Map attached as Exhibit E. The Current Mining Property is zoned I3. Northern Kentucky Aggregates proposed development would simply shift its existing mining operations from its Current Mining Property to the Subject Property (it would extend the existing lake). The applicant’s current sand and gravel extraction operation on the Current Mining Property would become inactive. As described in more detail throughout this application, this will result in no change to the volume of mining that is currently being conducted by Northern Kentucky Aggregates.

Adjoining land uses and zoning consist of primarily I3 and A1 districts with some RS. The Ohio River borders both the Subject Property and the Current Mining Property. The areas across Belleview Road from the Subject Property and the Current Mining Property are primarily wooded open space zoned A1.

The Comprehensive Plan states that extraction of gravel along the Ohio River in the town of Petersburg should continue at the established sites (Comprehensive Plan, page 106, Petersburg). Therefore, the Subject Property and its use remains consistent with the Comprehensive Plan’s goal that “Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Comprehensive Plan,

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page 9, Economy Goal B). In addition, the Proposed Mining Area will consist of the type and character of mining that is currently active along the Ohio River in the Petersburg area (Comprehensive Plan, page 106). Also, the Belleview/Mcville area, which abuts the Petersburg area to the south, includes the objective “that New extraction operations should be confined to sites adjacent to existing operations between KY 20 and the Ohio River.” See pg. 115.

The Subject Property will generate little to no impact on public facilities, services and road network as the applicant currently operates an active extraction operation on the adjacent property to the north that will become inactive. In addition, the applicant plans to use the existing facilities for its operation and the same ingress and egress onto Belleview Road from its existing property. The Subject Property and the Proposed Mining Area is generally consistent with the Future Land Use Map designations for the Petersburg/Belleview area. Specifically, the Future Land Use Map designates this area as Industrial and Rural Land Use. (See Comprehensive Plan, p. 149, 2040 Future Land Use). The Subject Property and Proposed Mining Area is consistent with the Comprehensive Plan as it seeks a zoning map designation of Industrial, I-3.

The Proposed Mining Area will utilize the Subject Property while protecting and preserving the scenic assets and natural features. The ultimate land use will be a lake, open space, and potentially agricultural uses. In addition, the Development Plan shows that the applicant will not alter the existing tree lines and will instead rely on those as buffer zones between neighboring properties.

The Proposed Mining Area will not hinder or deter development of surrounding undeveloped properties in accordance with the Comprehensive Plan, as the Comprehensive Plan states that this area is to be zoned as Industrial, Rural Land and Rural Density Residential. The Subject Property is currently 68% I-3. In addition, the surrounding area will not be impacted by the change in the zoning of 32% of the Subject Property.

The Subject Property is located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sanitary sewerage are provided, or will be available and are adequate for the uses proposed as the applicant is operates the adjacent property for the same use.

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The Proposed Mining Area will not have a great impact on the existing conditions of the surrounding land uses, utility systems, road network and public facilities and services as the neighboring property is also a gravel and sand excavation operation, which is owned by the applicant.

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

**ULTIMATE LAND USE PLAN
1104.3.A.1.a.1.a**

1104.3.A.1.a.1.a.A—Written Consent

See attached and marked as Exhibit F.

1104.3.A.1.a.1.a.B—Application for Surface Mining District

A Zoning Map Amendment Application is being submitted simultaneously with this Development Plan.

1104.3.A.1.a.1.a.C—Metes and Bounds Legal Description of portion of the property to be rezoned

See attached and marked as Exhibit G.

1104.3.A.1.a.1.a.D—List of name and addresses of abutting property owners

See attached and marked as Exhibit H.

1104.3.A.1.a.1.a.E—Detailed costs estimate to finalize reclamation and complete the site of ultimate use

As described in more detail below in the Contemporaneous Reclamation Plan (Section 1104.3.A.1.a.1.a.I) and in accordance with Northern Kentucky Aggregates' current mining practices on the Current Mining Property, the Proposed Mining Area on the Subject Property will be contemporaneously reclaimed. Like the mining area on the Current Mining Property, the ultimate use of the Proposed Mining Area on the Subject Property will be a lake and the remaining portion of the Subject Property will be reclaimed as open space.

The site will be prepared for mining so as to allow for contemporaneous reclamation. It is estimated that related earthwork to prepare the Subject Property for mining would cost approximately \$3 per cubic yard (it is estimated the initial berm will require 45,000 cubic yards of material to complete construction). Due to the contemporaneous nature of the reclamation process, in the event where there is insufficient vegetation established to finalize reclamation it is estimated that there may be approximately \$20,000 in additional seeding (depends on status of existing vegetation) needed to finalize reclamation and complete the site for ultimate land use.

The Kentucky Energy and Environment Cabinet requires that a bond be posted to ensure reclamation of the Property.

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

1104.3.A.1.a.1.a.F—Detailed description of any additional work to make the ultimate land use possible.

As described in more detail throughout this Section 1104.3.A.1.a, the Proposed Mining Area will be contemporaneously reclaimed as a lake and the remaining area of the Subject Property will be maintained in its current form as open space. As such, the ultimate land use of the Subject Property will be a lake and open space. With that in mind, it is anticipated that the only additional work necessary to make the ultimate land use possible may be additional seeding in the event where there is insufficient vegetation established.

1104.3.A.1.a.1.a.G—Timeframe of proposed final closure of plans

There are approximately 12 million tons of sand and gravel on the Subject Property. This results in an estimated 400,000 tons of annual production of sand and gravel. This translates to a mine life of approximately twenty seven (27) years. Once mining operations cease, as discussed throughout this Section 1104.3.A.1.a, due to contemporaneous reclamation efforts, it may take approximately one year to complete the final closure plans.

1104.3.A.1.a.1.a.H—Detailed design of final reclaimed topography, drainage, and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays.

The ultimate use of the Proposed Mining Area will be a lake and the remaining portion of the Subject Property will be reclaimed as open space. As such, the final reclaimed property is as depicted on the Site Plan (Exhibit B) and Development Plan (Exhibit C). See also attached Cross Section Map (Exhibit I) that depicts final grading.

1104.3.A.1.a.1.a.I. (Sections .1, .2, .3, .4)— Contemporaneous Reclamation Plan

The following written description was prepared by Cory Kiser, Engineering Manager for Jurgensen Aggregates (parent company of Northern Kentucky Aggregates). Mr. Kiser is a Professional Engineer licensed in the State of Kentucky.

In accordance with Northern Kentucky Aggregates' current practices on the Current Mining Property, the Proposed Mining Area on the Subject Property will be contemporaneously reclaimed. As depicted on the Site Plan (Exhibit B), the Proposed Mining Area on the Subject Property would be an extension of the lake currently located on the Current Mining Property. It will consist of a maximum of approximately 45.69 acres. The "Reclamation Area" will be those portions of the Proposed Mining Area that are no longer used for active mining as new sections are mined.

The Proposed Mining Area will be prepared for mining activity initially by establishing the sight barrier and earthen berm (with associated vegetation) surrounding the area where mining will occur. The fill for the construction of this barrier will come from the removal of overburden that lies on top of the sand and gravel mining deposit. To minimize erosion, the shorelines will be graded in a manner that promotes stability and ensures the natural flow of water. In areas where natural vegetation is expected to establish,

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SECTION 1104.3.A.1.a

grading will facilitate the process, allowing the land to return to its original state, or as close to it as possible, following the completion of mining activities.

As part of its ongoing mining operations, Northern Kentucky Aggregates will implement ongoing systematic and comprehensive measures to restore and reclaim the disturbed land. As new sections are mined and overburden is cleared, it will be stockpiled and managed in a manner that ensures its availability for contemporaneous reclamation efforts.

In instances where natural vegetation is insufficient or fails to establish, Northern Kentucky Aggregates will employ additional measures to ensure successful revegetation in compliance with Kentucky mining law. These measures include, but are not limited to, the application of topsoil, mulching, and the use of erosion mats to establish a suitable environment for plant growth. Furthermore, Northern Kentucky Aggregates will adhere to guidelines regarding soil preparation, such as liming and fertilization, to optimize conditions for vegetation establishment. Seeding and planting efforts will be undertaken to introduce native plant species, reinforcing the natural ecosystem and promoting biodiversity. Throughout the ongoing reclamation process, Northern Kentucky Aggregates will closely monitor the effectiveness of these methods and make adjustments as necessary to achieve the desired outcome of a fully restored and thriving landscape.

To achieve effective erosion control, the grading and vegetation efforts will be strategically implemented at the outset of development of the Subject Property in order to create a stable and well-vegetated landscape. Grading will be conducted to shape the land in a way that promotes natural drainage patterns and reduces the potential for soil erosion, while creating suitable conditions for plant growth. This will allow vegetation to be established, either by allowing the natural colonization of native plant species or through active revegetation measures such as seeding, planting, and mulching. The resulting vegetative cover will act as a natural barrier against erosion, with plant roots anchoring the soil, reducing surface runoff, and promoting the infiltration of water. By carefully combining these grading and vegetation strategies contemporaneously, the operation aims to minimize erosion risks and create a sustainable, restored landscape that adheres to environmental regulations and best practices.

Whether in the initial development of the sight barrier and earthen berm will be designed and built in or in its ongoing mining operations described in this Development plan, all efforts will be made to minimize the Proposed Mining Area.

- **1104.3.A.1.a.1.a.I.1.5. A detailed site description and overview of the operations.**

The Proposed Mining Area on the Subject Property will consist of a 45.69 acre lake. The non-active areas will include 5.65 acres for the berm/site barrier, 18.8 acres in buffer/offset areas from adjacent property lines, and 25.81 acres in non-mining area in the flood plain. A conveyor (approximately 3,000 feet long) will be built to convey mined material from the Proposed Mining Area on the Subject Property to the existing processing plant on the Current Mining Property.

The existing mining methods employed at the Current Mining Property will continue to be utilized for the efficient and effective extraction of resources at the Proposed Mining Area on the Subject

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

Property. This process will involve the careful removal of overburden material to expose the underlying sand and gravel deposits. As the overburden is cleared, it will be stockpiled and managed in a manner that ensures its availability for future reclamation efforts.

The operation will continue to utilize a clamshell dredge as a principal means of resource extraction. The clamshell dredge offers several advantages, including precise material removal, minimal disturbance to the surrounding environment, and efficient handling of the extracted material. This method ensures a consistent and streamlined workflow, enabling the smooth transfer of mined material from the Proposed Mining Area on the Subject Property to the existing processing plant via the newly constructed 3,000 foot conveyor system. A new internal road will be built (for employee use only) to facilitate maintenance activities along the conveyor and provide a reliable access route between the Proposed Mining Area on the Subject Property and the Current Mining Property, further enhancing the overall efficiency and safety of the operation. No new access to Belleview Road will be built on the Subject Property, as such, there will be no customer traffic on the Subject Property. All existing customer traffic will access Northern Kentucky Aggregates by the existing ingress and egress on the Current Mining Property.

See Site Plan (Exhibit B) and Development Plan (Exhibit C) for a depiction of the above referenced proposed site improvements and existing site elements.

- **1104.3.A.1.a.1.a.I.1.6— Water pollution control: summary of the operator's requirements of all water pollution monitoring and waste handling requirements pursuant to U.S. EPA's and Kentucky Department of Natural Resources and Environmental Protection's National Pollutant Discharge Elimination System (NPDES) permit, groundwater, hazardous waste, hazardous substance regulations, and any other applicable environmental regulations. Details of any anticipated use or disturbance of any lakes, ponds, streams, rivers, creeks, or the creation of any dikes, impoundments, settling ponds, or other method for water retention for the purpose of operation, water supply, reclamation, treatment, ultimate land use, or otherwise, including, but not limited to, any such activity that requires application and approval from the U.S. Army Corps of Engineers. Details of any underground storage tanks including description of use and methods of compliance under U.S. EPA, the Kentucky Department of Natural Resources and Environmental Protection regulations.**

To comply with the U.S. EPA's National Pollutant Discharge Elimination System (NPDES) Program and the Kentucky Energy and Environment Cabinet, Department of Environmental Protection, Division of Water, the operator will take the necessary steps to ensure compliance with Kentucky's Pollutant Discharge Elimination System (KPDES) General Permit Program. The operator has implemented an Integrated Environmental Plan (IEP) which includes a Groundwater Protection Plan (GWP), a Stormwater Pollution Prevention Plan (SWPP), and a Spill Prevention Control and Countermeasures (SPCC) Plan to serve as a comprehensive guidance document to comply with the regulatory terms of each of these programs.

Underground storage tanks (USTs) are regulated under the SPCC Program. The property does not currently have any underground storage tanks installed. However, if any USTs would be installed in future, the operator will adhere to all Federal, State, and local regulations.

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

The facility has authorization to discharge process wastewater and stormwater under KPDES General Permit for "Mineral Mining and On-Site Processing", individual Permit Number #KYG840059.

There are two water wells on the property; one serves as a source of wash water for the processing plant, while the other provides water for the scale office, including drinking water and restroom facilities. The two water wells are regulated by the Kentucky Division of Natural Resources "Permit to Withdraw Public Water", individual Permit Numbers #1406 and #1407.

Industrial operations that could potentially affect any lakes, ponds, streams, rivers, and/or creeks, or changes to process operations that would involve the creation of dikes, impoundments, settling ponds, or other water retention engineering controls will be carefully evaluated. If necessary, applications and approvals from the U.S. Army Corps of Engineers (USACE) or other regulatory entities will be obtained and all Federal, State, and local regulations will be followed.

- **1104.3.A.1.a.1.a.I.1.7—Erosion control: description of surface soil quantities and proposed stockpiling of such for subsequent reclamation after closure of each active area, as set forth in item f. below.**

See Site Plan (Exhibit B) for depiction of the location, dimension, and description of proposed buffer strips, screening, and embankments. See above Sections 1104.3.A.1.a.1.a.I. (Sections .1, .2, .3, .4) for a detailed description of erosion control plans.

- **1104.3.A.1.a.1.a.I.1.8—Noise control: detailed design plan including a list of equipment to be used that may impact noise pollution. Projections of average and maximum decibel levels at site boundaries, adjacent public roads, and all adjacent property owners buildings and/or dwellings.**

The nearest dwelling is approximately 75 feet from the property line of the Subject Property and approximately 291 feet from the Proposed Mining Area. Belleview Road (the only public road contiguous with the Subject Property) is approximately 218 feet from the Proposed Mining Area.

The following is a list of equipment that may impact noise pollution:

1. electric clamshell dredge and
2. associated conveyors that will transport the mined material from the proposed expansion area to the existing operation.

Projects of average and maximum decibel levels at site boundaries, adjacent public road, and all adjacent property owners building and/or dwellings are described in the attached Exhibit H.

Given the distance from the Proposed Mining Area and a public road, all noise associated with mining activity should fall below ambient sound levels, See Noise Control Report (Exhibit J).

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

1104.3.A.1.a.1.a.I.1.9—Dust control: detailed design plan including a list of equipment to be used for dust abatement along with a written summary of operator's fugitive dust requirements pursuant to current U.S. EPA, and Kentucky Department of Natural Resources and Environmental Protection as they specifically apply to the proposed operation.

Dust suppression is achieved through standard methods including but not limited to the use of water truck, water sprayers, and chemical additives.

Fugitive dust emissions are subject to regulation under federal and state laws, such as the U.S. EPA New Source Performance Standards and Kentucky State Regulations.

Northern Kentucky Aggregates holds an Air Quality Permit #S-15-103 issued by the Kentucky Energy and Environment Cabinet, Department for Environmental Protection, Division for Air Quality. This permit outlines specific requirements for limiting fugitive dust emissions, as well as compliance testing and reporting procedures.

Northern Kentucky Aggregates uses various engineering control measures to manage fugitive dust emissions, such as water and chemical applications, speed restrictions for equipment and vehicles, off-site tracking engineering controls, and low drop-height of transfer points of aggregates.

Overall, Northern Kentucky Aggregates is committed to complying with all applicable federal, state, and local regulations related to fugitive dust emissions.

- **1104.3.A.1.a.1.a.I.1.10—Hours of operation: hours of operation within proposed operational boundaries, and hours of operation of off-site hauling, using public roads.**

The typical work hours for the Current Mining Property, are 10 hour shifts (7am – 5pm). There are occasional half-days on Saturdays during high demand periods (high demand periods are once or twice per year during peak construction periods).

- **1104.3.A.1.a.1.a.I.1.11—A site plan of the site drawn to a scale of one (1) inch equal not more than one hundred (100) feet showing:**

○ **a. Proposed ultimate land use after full reclamation.**

The Proposed Mining Area will be reclaimed as a lake. The remaining portion of the Subject Property that is not used for mining will remain in its current state as open space.

○ **b. Routes of anticipated hauling travel on public roads with descriptions of maximum load weight limits of each public road, or road section anticipated to be utilized for transportation of the materials.**

Northern Kentucky Aggregates has been operating since 1976, trucks have used Belleview Road to access I-75 and I-275. These routes will remain the same as Northern Kentucky Aggregates volume in terms of truck traffic will remain the same. KYTC provided the following weight limits for Belleview Road which are attached as Exhibit K.

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

- **c. Schedule of development showing estimated time frame for development and reclamation of the site; including a description of maximum active area for operation, on-going reclamation area, and design of site work to minimize active area and minimize the time unreclaimed non-active area exists.**

As discussed elsewhere in the Section 1104.3.A.1.a and in the Concept Development Plan, the estimated construction schedule to prepare the Subject Property for mining would be approximately six (6) months to one (1) year. The Site Plan (Exhibit B) and Development Plan (Exhibit C) depict the proposed Proposed Mining Area which will consist of an approximately 45.69 acre lake (which is the same as the on-going reclamation area and maximum active area for mining operations). As described through this Section 1104.3.A.1.a, reclamation will be contemporaneous beginning with initial design and site work to prepare the Subject Property for mining.

The following design and site work will minimize the active area. The remaining land will consist of the following open space and landscaping:

- Berm surrounding the Proposed Mining Area (5.65 acres)
- Outer buffer (4.47 acres)
- Inner buffer (14.33 acres)
- Remaining open area (25.81 acres)

Northern Kentucky Aggregates will maintain the open areas including landscaping in accordance with its current and long standing maintenance practices for the Current Mining Property. As depicted on the Site Plan (Exhibit B), Development Plan (Exhibit C), and the Landscape Concept Plan (Exhibit D) further described below, Northern Kentucky Aggregates plans to install vegetation buffers.

As described in Section 1104.3.A.1.a.1.a.G, there are approximately 12 million tons of sand and gravel on the Subject Property. This results in an estimated 400,000 tons of annual production of sand and gravel. This translates to a mine life of approximately twenty seven (27) years. Once mining operations cease, as discussed throughout this Section 1104.3.A.1.a, due to contemporaneous reclamation efforts, it may take approximately one year to complete the final closure plans.

- **d. Existing drainage courses with proposed relocations, channel changes, diversions, retention basins, sedimentation basins, and drainage structures.**

See Site Plan (Exhibit B) and Development Plan (Exhibit C).

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

- **e. All existing public roads abutting the site with width and type of pavement, existing and proposed right-of-way width, and existing and proposed drainage structures.**

For the proposed development on the Subject Property, Northern Kentucky Aggregates will utilize its existing entrance to Belleview Road on the Current Mining Property for ingress and egress to Belleview Road. Northern Kentucky Aggregates proposes to shift its existing mining operations to the Subject Property so the proposed development will not increase mining activity and, as such, truck traffic will remain the same. Therefore, there will be no need for changes to the existing right-of-way or drainage structures. See Site Plan (Exhibit B) and Development Plan (Exhibit C).

- **f. Location, dimension, and description of proposed buffer strips, screening, and embankments.**

See attached Site Plan (Exhibit B).

- **g. General layout of proposed development showing proposed limits of excavation and all proposed structures.**

No structures will be built on the Subject Property. See attached Site Plan (Exhibit B) for the general layout of proposed development.

- **h. All existing structures on the property and within two hundred (200) feet of the property lines on adjacent property.**

See Site Plan (Exhibit B) and Development Plan (Exhibit C).

- **i. Existing and proposed contours shown with intervals sufficient to show existing and proposed drainage, but not more than ten (10) feet.**

See Site Plan (Exhibit B) and Development Plan (Exhibit C).

- **j. All public and private right-of-ways and easements on or abutting the property with notation as to proposed continuation, creation, enlargement, relocation, or abandonment.**

The following is a list of recorded easements on the Subject Property. These would continue with the proposed use.

- Easement to Consolidated Telephone Company filed November 12, 1965, and recorded in Miscellaneous Book 35, Page 170, of the Boone County Records.

**DEVELOPMENT PLAN
SECTION 1104.3.A.1.a**

- Reservations, restrictions, covenants, limitations, easements and/or other conditions as stated in instruments filed March 12, 2021 in Book D1161, Page 907, and June 2, 1975 in Deed Book 213, Page 142, both of the Boone County Records.

○ **k. Names of abutting property owners.**

See Site Plan (Exhibit B), Development Plan (Exhibit C), and a list of abutting property owners (Exhibit H).

○ **l. The total area of the property owned or leased by the applicant.**

Northern Kentucky Aggregates currently owns approximately 324 acres of land to the north of the Subject Property (Northern Kentucky Aggregates utilizes approximately 80 acres of the land abutting the Subject Property for its sand and gravel mining operations). The Subject Property consists of approximately 96 acres (Northern Kentucky Aggregates is currently under contract to purchase the Subject Property).

- **m. A vicinity map showing the area within a three mile radius of the center of the proposed site. Current 7-1/2 minute topographic at a scale of one (1) inch equal to 2000 feet shall be used as the base map with existing zoning drawn thereon. Proposed routes for shipping and receiving materials and equipment shall be indicated along with daily, monthly and yearly average and maximum quantities of materials transported to and from the site. Recorded historical and archaeological sites, public facilities such as parks, schools, churches, cemeteries, fire stations, and government offices and the boundaries of cities, counties, and states shall be identified. The boundary of the proposed site shall be shown.**

See Site Plan (Exhibit B), Development Plan (Exhibit C), and Area Map (Exhibit E).

EXHIBIT A

Deed

DOCUMENT NO: 829179
RECORDED: March 12, 2021 03:30:00 PM
TOTAL FEES: \$50.00 TRANSFER TAX: \$0.00
COUNTY CLERK: JUSTIN CRIGLER
DEPUTY CLERK: MICHELLE EICKHOFF
COUNTY: BOONE COUNTY
BOOK: D1161 PAGES: 907 - 910
GROUP ID: 2011

FIDUCIARY'S DEED

KNOW ALL MEN BY THESE PRESENTS:

That Grantor: **Timothy William Hitzfield, Executor of the Estate of Jo Ann Hitzfield**, (Boone District Court, Case No. 20-P-272) whose mailing address is 420 Quissenberry Pike, Worthville, Kentucky 41098

For good and valuable consideration, the receipt of which is acknowledged, does hereby release, remiss and forever convey to:

Grantees, **Timothy William Hitzfield**, a married individual, whose mailing address is 420 Quissenberry Pike, Worthville, Kentucky 41098, an undivided one-sixth (1/6) interest; and to **Daniel Lynch Hitzfield**, a married individual, whose mailing address is 2958 Front Street (P.O. Box 37), Petersburg, Kentucky 41080, an undivided one-sixth (1/6) interest; and **Joseph Gerard Hitzfield**, a married individual, whose mailing address is 6554 Broadway Street (P.O. Box 71), Petersburg, Kentucky 41080, an undivided one-sixth (1/6) interest, in fee simple, each of their heirs, successors and assigns forever, the following described real estate in the County of Boone and Commonwealth of Kentucky (an undivided one-half (1/2) interest in this property is owned by Nancy Hitzfield who became the sole owner of said one-half interest pursuant to the survivorship clause upon the death of her husband William L. Hitzfield), to wit:

Property street address: 3989 Belleview Road, Petersburg, Kentucky 41080

Group No. 2011
PIDN: 002.00-00-016.00

Tract No. I: All that property (78 Acres, more or less) as described in the deed recorded in Deed Book 43, page 148 and Deed Book 37, page 502 of the Boone County Court Clerk's Records, Burlington, Kentucky.

Being all of the same property conveyed to Norra Stott by deed from J.W. Berkshire et ux dated February 1, 1890 and recorded in Deed Book 37, page 502, Boone County Court Clerk's Records, Burlington, Kentucky and all of the same property conveyed to Norra Stott by Sallie M. Reynolds et al deed dated the 24th of July 1897 and recorded in Deed Book 43, page 148, Boone County Court Clerk's Records, Burlington, Kentucky.

RETURN TO: pg 4

5

BOONE COUNTY
D1161 PG908

Tract No. II: All that property (64.82 acres, more or less) as described in the deed recorded in Deed Book 38, page 219, Boone County Clerk's Records, Burlington, Kentucky.

Being all of the same property conveyed to Nora Stott by George W. Terrill et ux by deed dated the 31st day of January 1891 and recorded in Deed Book 38, page 219, Boone County Court Clerk's Records, Burlington, Kentucky.

Tract No. III: Being all of the 28 ½ acre tract as described in Deed Book 37, page 389; being a deed from Joseph McWeathy to Norra Stott, Boone County Court Records, Burlington, Kentucky.

Tract No. IV: Being all of the 14 acre tract as described in Deed Book 37, page 389; being a deed from Joseph McWeathy et al to Norra Stott, Boone County Court Records, Burlington, Kentucky.

Tract III and IV are part of the same property conveyed to Norra Stott by Joseph McWeathy et al by Deed Dated 12/7/1889 and recorded in Deed Book 37, page 389, Boone County Court Records, Burlington, Kentucky.

Exception: Excepted from the above described property is a 1.4 acre tract conveyed by the grantee herein to William Hitzfield in 1963. ALSO EXCEPTED: Excepted from the above described property is that property conveyed to the U.S.A. in flowage easements for the Markland Dam Pool.

Subject to easements, conditions, restrictions and covenants of record.

Being the same property conveyed to Frank L. Hitzfield and Jo Ann Hitzfield, a one-half interest, jointly with remainder in fee simple to the survivor of them, and William L. Hitzfield and Nancy Hitzfield, his wife, with remainder in fee simple to the survivor of them, from Ruth C. Hitzfield and Louise Hitzfield, her husband by Deed executed on May 30, 1975 and recorded on June 2, 1975 in Deed Book 213 at Page 142 of the Boone County Clerk's records at Burlington, Kentucky. Frank L. Hitzfield passed away on March 16, 2020 his ownership passed to his spouse, Jo Ann Hitzfield pursuant to the survivorship clause in said Deed. Jo Ann Hitzfield passed away on May 15, 2020 and pursuant to the terms of her Will which is probated in the Boone District Court, Case No. 20-P-272, her estate is to be divided equally among her three sons, Timothy William Hitzfield, Daniel Lynch Hitzfield, and Joseph Gerard Hitzfield, the Grantees herein. As to the one-half interest owned by William L. Hitzfield and Nancy Hitzfield, the ownership of said one-half interest vested solely in the name of Nancy Hitzfield pursuant to the survivorship clause upon the passing of William L. Hitzfield on May 3, 1990. ✓

THIS TRANSFER IS EXEMPT FROM TRANSFER TAX PURSUANT TO KRS 142.050 (7) (b).

Together with all the Privileges and Appurtenances to the same belonging.

The Grantor(s) and the Grantee(s) herein, after being first duly cautioned and sworn certify: (1) they are eighteen years of age or older; (2) that this is a conveyance for which there is no monetary consideration passing and the current assessed value of the property is \$78,100.00 and (3) that they understand that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one (1) to five (5) years imprisonment and fines up to \$10,000.00. The Grantee(s) enter herein for the sole purpose of certifying pursuant to KRS Chapter 382 that the consideration reflected in this deed is the full consideration paid for the property.

The tax bill for 2021 shall be sent to Timothy William Hitzfield at 420 Quissenberry Pike, Worthville, Kentucky 41098.

BOONE COUNTY
D1161 PG909

IN WITNESS WHEREOF, the said Grantor(s) and Grantee(s) have hereunto set their hands this 26 day of February 2021.

Estate of Jo Ann Hitzfield

Timothy William Hitzfield
Timothy William Hitzfield

By: *Timothy William Hitzfield*, Executor
Timothy William Hitzfield, Executor

Daniel Lynch Hitzfield
Daniel Lynch Hitzfield

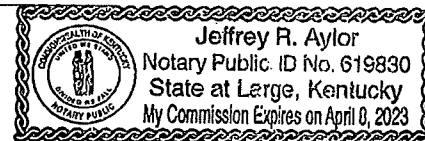
Joseph Gerard Hitzfield
Joseph Gerard Hitzfield

COMMONWEALTH OF KENTUCKY }
COUNTY OF BOONE }

The foregoing deed and consideration certificate was subscribed, sworn to and acknowledged before me, a Notary Public in and for said County and State, by the said Grantor, Timothy William Hitzfield, Executor of the Estate of Jo Ann Hitzfield, on this 26 day of February 2021.

Jeffrey R. Aylor
Notary Public
My Commission Expires: 4-8-2023

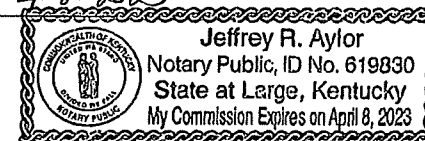
COMMONWEALTH OF KENTUCKY }
COUNTY OF BOONE }



The foregoing consideration certificate was subscribed, sworn to and acknowledged before me, a Notary Public in and for said County and State, by the Grantee, Timothy William Hitzfield, an individual, on this 26 day of February 2021.

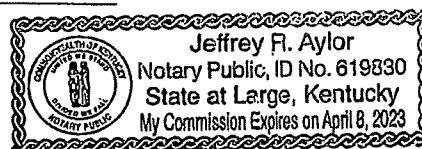
Jeffrey R. Aylor
Notary Public
My Commission Expires: 4-8-2023

COMMONWEALTH OF KENTUCKY }
COUNTY OF BOONE }



The foregoing consideration certificate was subscribed, sworn to and acknowledged before me, a Notary Public in and for said County and State, by the Grantee, Daniel Lynch Hitzfield, an individual, on this 3 day of March 2021.

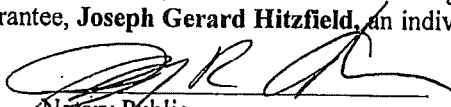
Jeffrey R. Aylor
Notary Public
My Commission Expires: 4-8-2023



BOONE COUNTY
D1161 PG910

COMMONWEALTH OF KENTUCKY }
COUNTY OF BOONE }

The foregoing consideration certificate was subscribed, sworn to and acknowledged before me, a Notary Public in and for said County and State, by the Grantee, **Joseph Gerard Hitzfield**, an individual, on this 9 day of March 2021.

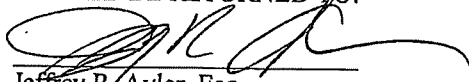


Notary Public

My Commission Expires: 4-8-2023



THIS DEED PREPARED BY
AND THE RECORDED DEED
SHOULD BE RETURNED TO:



Jeffrey R. Aylor, Esq.
THE AYLOR LAW OFFICE, P.S.C.
6900 Houston Road
Bldg. 700, Ste. 35
Florence, Kentucky 41042
859-647-8400
859-647-8404 (Fax)

RETURN TO:

****No Title Examination Performed****

EXHIBIT B

Site Plan

EXHIBIT C

Development Plan (Map)

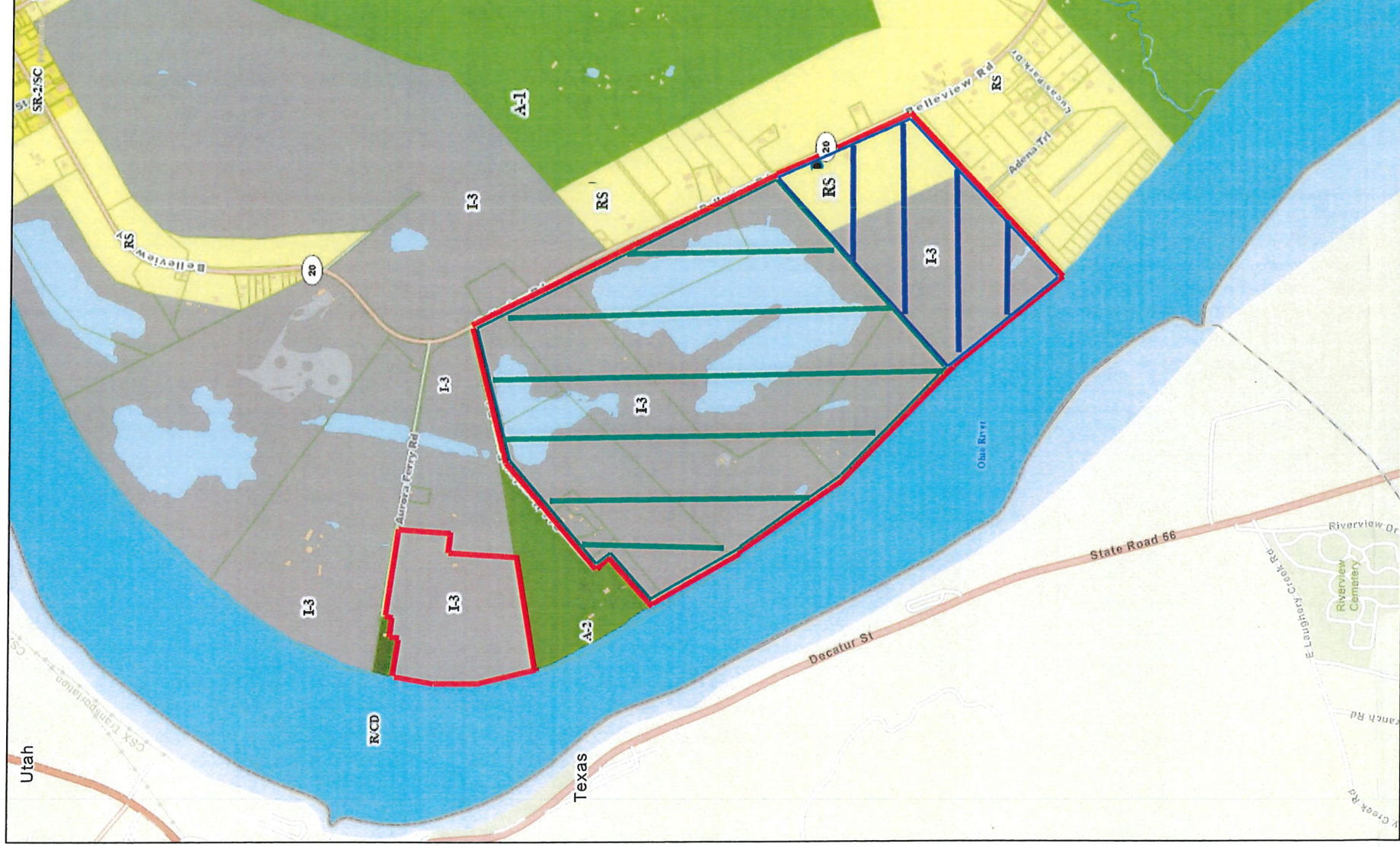
EXHIBIT D

Landscape Concept Plan

EXHIBIT E

Area Map

Area Map



4/27/2023, 3:58:03 PM

I-3 Zoning District

RS Zoning District

Current Mining Property owned by NKY Aggregates

Subject Property

Current Active Mining Area

Ohio River

EXHIBIT F


Written Consent of Owners

APPLICANT'S AND OWNER'S WRITTEN CONSENT


Northern Kentucky Aggregates, submits an application for a Zoning Map Amendment to the Boone County Planning and Zoning Commission ("Applicant"), with the consent of Timothy W. Hitzfield, Daniel L. Hitzfield, Joseph G. Hitzfield, and Nancy Hitzfield the current property owners ("Owners").

Pursuant to Boone County Zoning Ordinance 1104.3(A)(1)(a)(1)(a)(A), Applicant and Owners hereby acknowledge and consent to the fact that notice of conditions of any development plan or other restrictions are to be recorded in the records of the Boone County Clerk's office. In addition, the Applicant and Owner agree to furnish all necessary information to properly record notice, it being understood the recording is to subject the property to such conditions and restrictions to successors in title to the property.


**NORTHERN KENTUCKY
AGGREGATES, INC.
APPLICANT**

By: 
Name: Dennis J. Garrison
Title: President

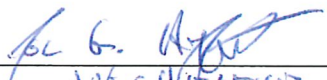
**TIMOTHY W. HITZFIELD
OWNER**

By: 
Name: Timothy W Hitzfield
Title: owner

**DANIEL L. HITZFIELD
OWNER**

By: 
Name: Daniel L. Hitzfield
Title: owner

**JOSEPH G. HITZFIELD
OWNER**

By: 
Name: Joe G. Hitzfield
Title: OWNER

**NANCY HITZFIELD
OWNER**


By: 
Name: Nancy Hitzfield by Rosemarie Masten P.O.A.
Title: OWNER

EXHIBIT G

Legal Description of Property to be
Rezoned

Legal Description of Area of Subject Property to be Rezoned



bayerbecker.com
513.336.6900
mason | cincinnati | oxford | fort mitchell

DATE: March 30, 2023
DESCRIPTION: Property to be Rezoned from RS to I-3 – 32.0 Ac.
LOCATION: 3989 Belleview Road, Petersburg, KY

Situated in the Petersburg area of Boone County, Commonwealth of Kentucky, lying on the West side of Belleview Road (KY Hwy 20) approximately 3,700 feet South of Old Horsley Ferry Road, and being part of the 78 acre Tract No. 1 conveyed to Hitzfield et al in Deed Book 1161, Page 907 of the Boone County Clerk's Records at Burlington, and more particularly described as follows:

Begin at the Northeast corner of said 78 acre Tract No. 1 and in the center of said Belleview Road, said point also being on the Northeast extension of the Southeast line of a 111.466 acre tract conveyed to Northern Kentucky Aggregate, Inc. in Deed Book 244, Page 154, said point being TRUE POINT OF BEGINNING;

thence, from the TRUE POINT OF BEGINNING, and with the center of said Belleview Road, South 24° 35' 43" East, 1612.66 feet to the Southeast corner of said 78 acre Tract No. 1;

thence, departing said road and with the common line of said 78 acre Tract No. 1 and a tract conveyed to James & Helena Crawford in Deed Book 202, Page 148, South 47° 02' 00" West, 917.15 feet;

thence, departing said common line and through said 78 acre Tract No. 1, North 23° 33' 30" West, 1657.84 feet to the common line of said 78 and 111.466 acre tracts;

thence, with the common line of said 78 and 111.466 acre tracts, North 49° 12' 19" East, 875.15 feet to the TRUE POINT OF BEGINNING.

Containing 32.0 acres and subject to all easements and rights-of way of record. The reference meridian is NAD83(2011) Kentucky State Plane Coordinates, North Zone (1601).

The above description was prepared from GIS data and deeds of record under the direction of Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky. No fieldwork was performed, and this description does not meet the requirements of 201 KAR 18:150.

Prior Instrument Reference: Deed Book 1161, Page 907

This is not the result of a field survey. Not intended for land transfer.

EXHIBIT H

Name and Addresses of Abutting Property Owners

Properties Adjacent to 3989 Belleview Road, Petersburg Kentucky
Boone Co. Zoning Reg. 303(A)(2)(b)

Name	Address	Parcel No.
Joseph and Joyce Brown	4062 BELLEVIEW RD	002.00-00-015.04
James Crawford	4126 ADENA TRL	002.00-00-024.00
Roy Stephenson and Elbert Stephenson	3960-4172 BELLEVIEW RD	002.00-00-015.00
Joseph and Joyce Brown	4062 BELLEVIEW RD	002.00-00-015.04
John Stephenson	3952 BELLEVIEW RD	002.00-00-015.05
Daymon Black	3921 Belleview RD	002.00-00-013.02
Northern Kentucky Aggregate, Inc.	11641 MOSTELLER RD STE	002.00-00-011.01
Northern Kentucky Aggregate, Inc.	3869 BELLEVIEW RD	002.00-00-011.00

EXHIBIT I
Cross Section Map

Hitzfield Cross Section

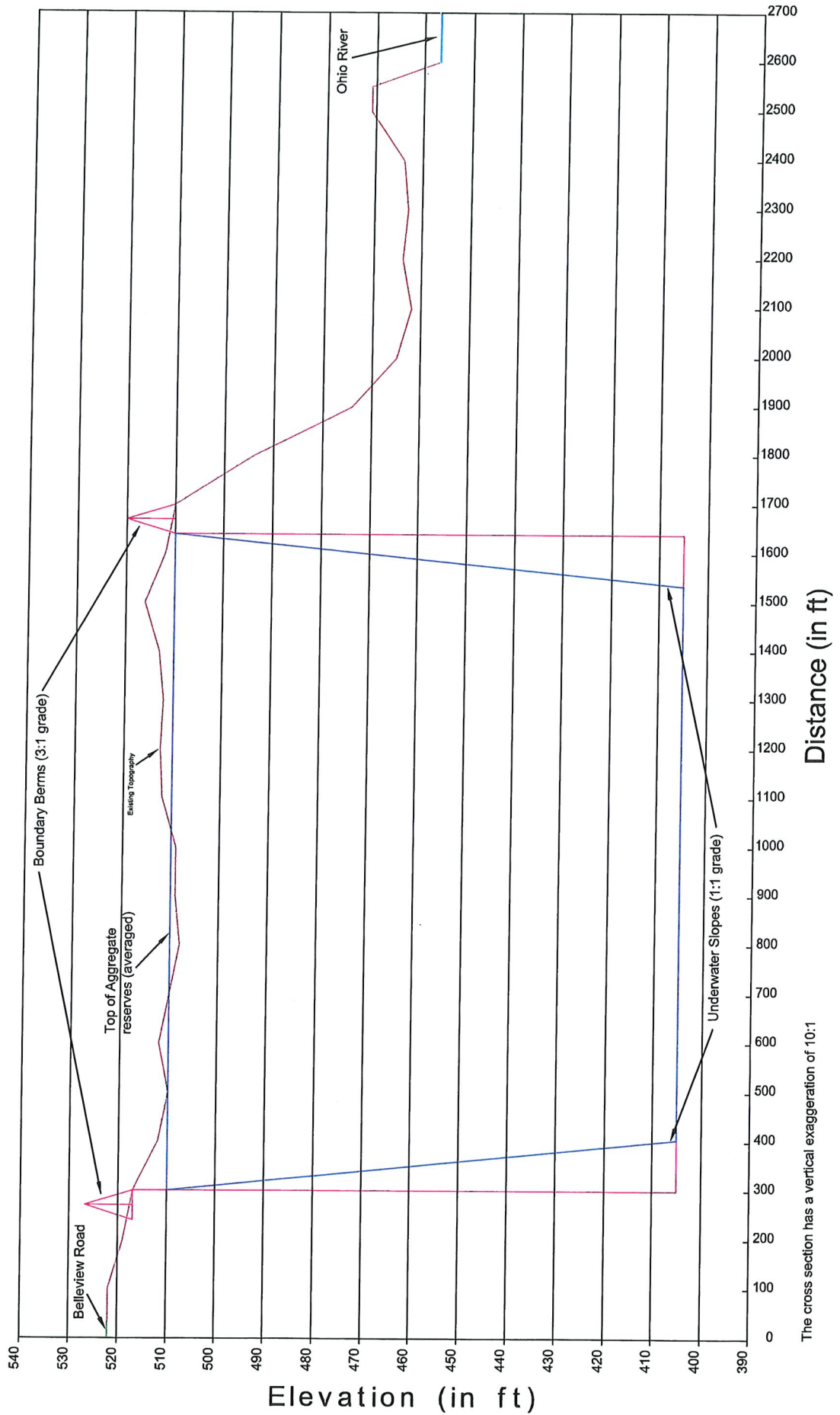


EXHIBIT J

Noise Control Report

Sound Pressure Level Report

**Northern Kentucky Aggregates, Inc.
3743 Belleview Road
Petersburg, Kentucky 41080**

Prepared For:

**Jurgensen Company
11641 Mosteller Road
Cincinnati, Ohio 45241**

Prepared By:

**Natural Resources Management, LLC
7901 Sylvania Avenue
Sylvania, Ohio 43560**



April 28, 2023

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Appendix A Sound Pressure Level Data Sheets

Appendix B Boone County, Kentucky Section 1150 through 1154

Appendix C Instrument Calibration Documentation

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1.0 Executive Summary

Northern Kentucky Aggregates (NKA) has proposed an expansion of their existing sand and gravel mining operation located in Petersburg, Boone County, Kentucky (Figure 1). The proposed expansion is located adjacent to the south-southeast of the current mining operation, which extracts sand and gravel from below the groundwater table using a floating clamshell dredge (Figure 2). Boone County regulates sand and gravel extraction by the zoning ordinance (“Ordinance”). The ordinance requires the applicant to provide a list of equipment that may impact noise pollution in the proposed mining area and the operator addresses noise control by providing a detailed design plan that includes a description of equipment to be used and includes projections of average and maximum decibel levels at site boundaries, adjacent public roads, and adjacent buildings and dwellings as part of the application. The focus of this evaluation is to provide measurements of the sound pressure levels (SPLs) for the equipment proposed to operate in the expansion area. This was completed by measuring SPLs while the equipment is operating, then calculating projected SPLs that would likely be expected once the equipment is moved and operating within the expansion area.

The mining equipment that is proposed to operate in the expansion area is limited to an electric clamshell dredge and associated conveyors that will transport the mined material from the proposed expansion area to the existing operation. The existing plant operations, conveyors, load out, and other equipment will remain in the current location and is not located in the expansion area. To meet the requirements of the Ordinance, NKA has retained Natural Resources Management, LLC (NRM) to conduct an evaluation of the current sound pressure levels measured in decibels and projections of sound levels that would be expected in the expansion area.

On April 25, 2023, Natural Resources Management, LLC mobilized to the existing operation and measured the sound pressure levels (SPLs) in the vicinity of the existing electric clamshell dredge and conveyors which will be used in the expansion area. NRM then used standard methods to calculate and project the expected SPLs at the locations required of the Ordinance.

This evaluation shows that during normal operating conditions in the expansion area, average SPLs at the expansion area site boundaries, adjacent public roads, and adjacent buildings and dwellings are projected not exceed 65 dBA and maximum SPLs were projected not to exceed 74 dBA. These SPLs are comparative to sound levels such as what is typically experienced in quiet urban areas in the daytime, sound from normal conversation levels, or dial tones of a phone (Pennsylvania State University, 2018). Additionally, the noise control currently used at the NKA facility include earthen berms and our evaluation had shown these barriers to be effective. We would expect similar results at the expansion area because noise barriers are proposed around the perimeter there as well. Based on this evaluation, it is our professional opinion that the proposed mining operation expansion will be similar to normal ambient noise in a residential and

agricultural setting that experiences typical daytime traffic and ambient noise if operated at setback distances from the surrounding site boundaries, adjacent public roads, and adjacent buildings and dwellings.

2.0 Introduction

Northern Kentucky Aggregates, Inc. (NKA) is conducting mineral extraction activities from sand and gravel deposits located near Petersburg in Boone County, Kentucky. The site is located at 3743 Belleview Road, Petersburg, Kentucky (Figure 1). The site is situated northeast of the Ohio River on approximately 294 acres. Land uses in the vicinity of the current mining operation include Belleview Road and residential dwellings to the east, Martin Marietta Materials quarry to the north and northwest, agricultural and rural residential to the northeast, and agricultural and residential use to the southeast and east.

NKA is planning to expand its mining operation to the southeast on an agricultural parcel that is approximately 96 acres in area (Figure 2). Mining setbacks are 275 feet into the site from the property boundaries. Therefore, a land buffer from mining activities has been incorporated into the noise control design plan. Because of the land buffer, mining is planned to occur on approximately 46 acres of the total parcel area. The expansion parcel is bordered by NKA to the northwest, Belleview Road with agricultural land and a residence beyond the northeast, residences and Adena Trail to the southeast, and the Ohio River to the southwest.

The purpose of this report is to; 1) present sound pressure level (SPL) measurements recorded on the site at various distances from the equipment that will eventually be moved to the expansion area under normal operating conditions and 2) use standard methods to project the observed SPLs to each adjacent building and roadway. The scope of this evaluation generally conforms to the standards and guidance of ASTM E1014-12 (Reapproved 2021) *Standard Guide for Measurement of Outdoor A-Weighted Sound Levels*. The site location is shown on Figure 1.

NRM has prepared this report for use by NKA in support of the proposed expansion and is intended to meet the required information with respect to the items required of the Boone County Zoning Ordinance, Section 1156 A.3.c. Noise control. The report has been prepared by qualified professionals familiar with aggregate operations and sound pressure level evaluations whose qualifications are presented in Appendix D.

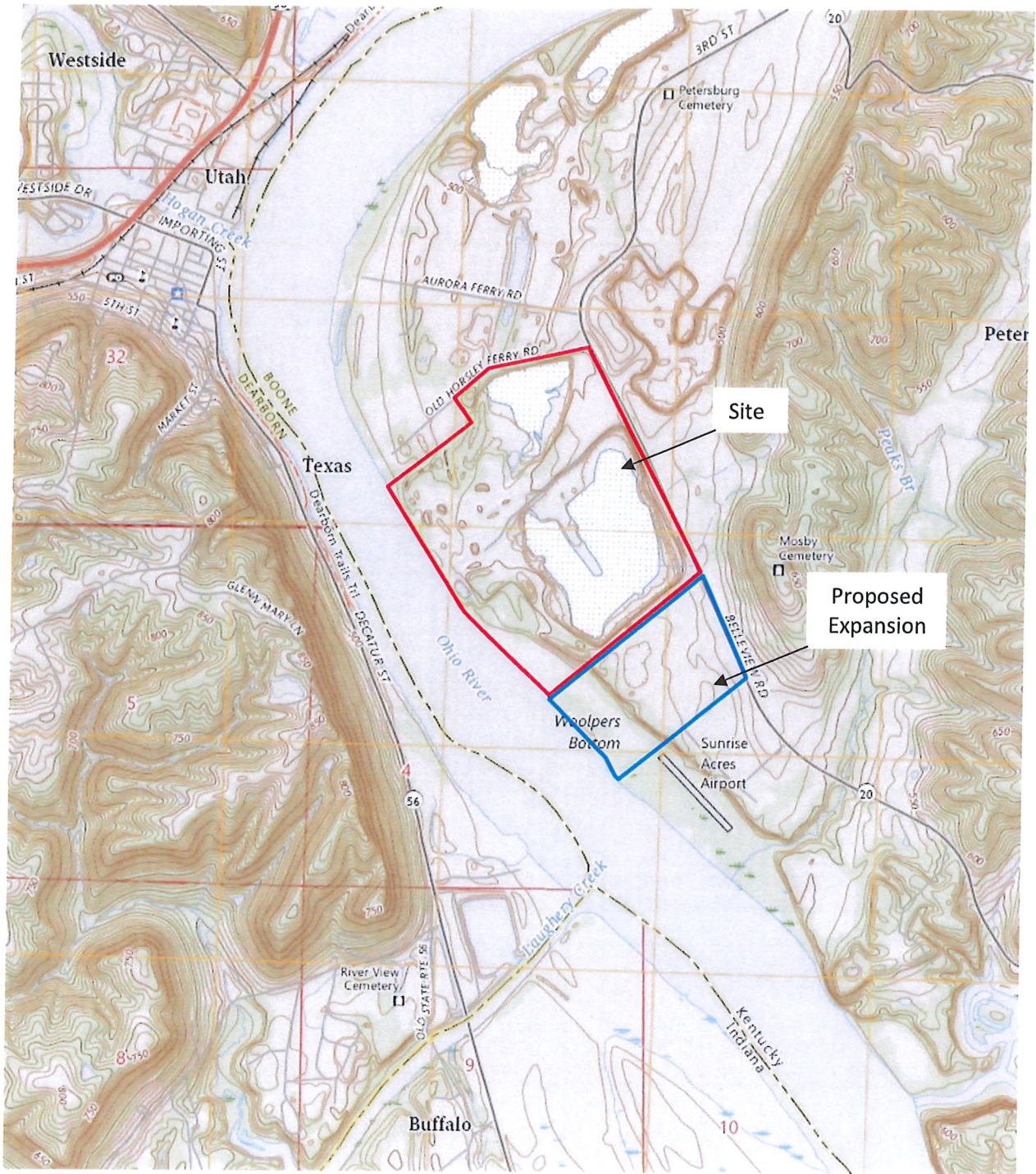


Figure 1: Site Location Map

3.0 Boone County Noise Ordinance

Boone County regulates Surface Mining under the 2023 Subdivisions Update, Article 11 Employment Districts, Section 1104 Industrial Three (I-3). The specific sections applicable to the expansion application

includes Section 1156 A.3.c. *Noise control*, a copy of which is provided in Appendix B. This section states “detailed design plan including a list of equipment to be used that may impact noise pollution. Projections of average and maximum decibel levels at site boundaries, adjacent public roads, and all adjacent property owners buildings and/or dwellings.” To provide this information, NRM conducted an evaluation of the SPLs in the vicinity of the equipment proposed to be moved into the expansion area and then projected SPLs at the property boundaries and residential dwellings and buildings. Further details of this evaluation is presented herein. SPLs were measured using standard methods by qualified environmental scientists in general conformance to the standards and guidance of ASTM E1014-12 (Reapproved 2021) *Standard Guide for Measurement of Outdoor A-Weighted Sound Levels*.

4.0 Discussion of Current Site Noise Control and Ambient Sound Sources

The site is generally situated in a predominantly agricultural and residential area located between Belleview Road and the Ohio River. The current use of the property is for mineral extraction, and the site was operating normally during the sound measurement interval. On-site sources of SPLs include the use of mobile equipment (i.e. haul trucks and loaders) in daily operations, the clamshell dredge, and associated conveyors.

Noise from the current operation incorporates engineering controls including earthen berms constructed around the perimeter of the site. These berms act as barriers and provide a method of attenuating sound from the operation that has an effect on reducing the measured (and therefore projected) SPLs. NRM evaluated the effectiveness of the earthen barrier at a location nearest to the operating clamshell dredge and conveyors. This data is provided in Section 5.0 of this report.

The proposed expansion area, located south-southwest of the current operation is used for agricultural purposes. Observed sound sources beyond the boundaries of the current operation included air traffic from the nearby Cincinnati Northern Kentucky International Airport, Ohio River barge traffic, vehicular traffic along Belleview Road, farming operations and wildlife. SPLs from these sources are typically in the 69 – 79 dBA range (Melo et al, 2015).

5.0 Sound Pressure Level Methods and Results

NRM conducted an evaluation of SPLs at the site during normal operations on April 25, 2023 while the floating clamshell dredge, mobile equipment, and conveyors were in operation. The purpose was to document the SPLs at different distances from the equipment. The distances from the clamshell dredge and conveyors from which SPL measurements were recorded were at 275 feet and 330 feet. These distances reflect the nearest that the clamshell dredge can be located to the property boundary and roadways when

moved into the expansion area or an adjoining property owner's building (330 feet). In addition, one location, located beyond the nearest berm to where the clamshell dredge was operating, was measured to approximate actual SPL that would be expected when mining has commenced in the expansion area. The SPL assessment was conducted by monitoring the sound pressure levels with the Casella CEL-633C at various distances and directions from the clamshell dredge during normal operating conditions. Meteorological information was recorded in the field notes. The down-wind direction was to the east. Figure 2 shows the locations where measurements were taken.

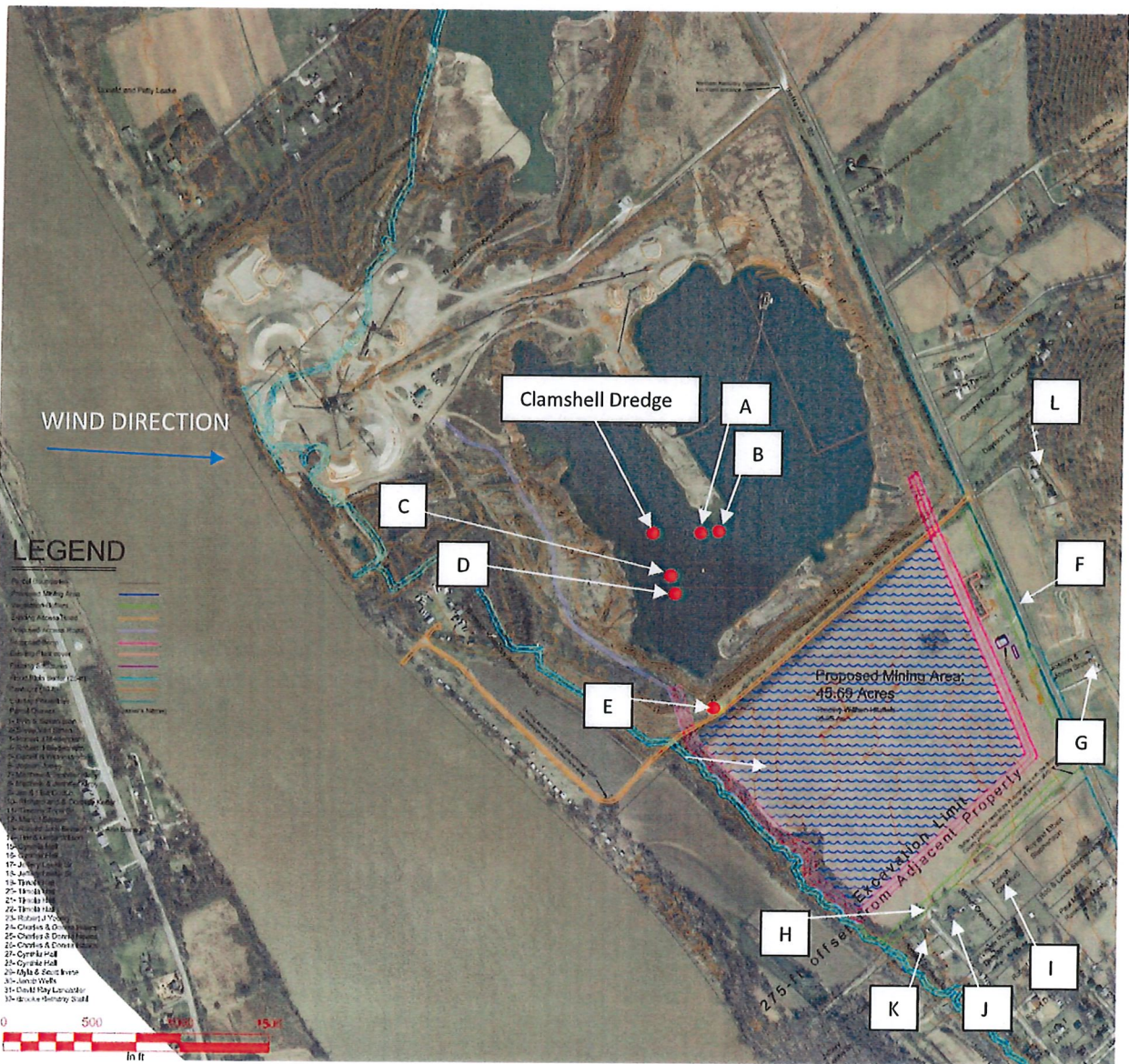


Figure 2. Locations of the sound meters and wind direction

Figure 3 is a photograph of the clamshell dredge used in the operation. The clamshell dredge cycle frequency for removing the oversized material varied depending on the amount of oversized material

contained in the bucket. The cycle varied from every two minutes to every 8 minutes during the study period.

The sound level meter was calibrated prior to the study being conducted. SPLs were recorded in a series of “runs”. Each run was approximately 30 minutes which allowed approximately 10 to 15 clamshell dredge cycles. SPLs were recorded using the A-weighting frequency response. Equivalent continuous SPLs were collected every one second and results for each on-minute average (LAeq) were evaluated for each run. Additionally, the reported 30-minute average was reported for each run.



Figure 3. Rorh Electric Clamshell Dredge And Conveyor

The Casella Insight software was used to present the data in report format. The following information is presented in Table 1: SPL Measured Data Summary. Table 1 summarizes the equivalent or energy-averaged sound level (LAeq) at each sample location and provides the information for each measurement. The detailed reports are presented in Appendix A.

Table 1: SPL Data Summary

MEASURED SOUND PRESSURE LEVEL SUMMARY (Casella CEL-633)				
Location with respect to clamshell dredge	Map ID	Maximum One-Minute SPL (LAeq)	30-Minute Time Weighted Average SPL (LAeq)	Rationale
275 feet east	A	68.3	64.9	Distance from the set-back to the property line and nearest road (Bellevue Road)
330 feet east	B	68.5	66.1	Distance from the set-back to the nearest building in any direction
275 feet south*	C	73.7	65.0	Distance from the set-back to the property line
330 feet south*	D	70.3	62.2	Distance from the set-back to the nearest building in any direction
1017 feet south behind berm	E	60.5	46.8	Measure SPLs from typical distance that clamshell dredge will be from neighbors with berms

Notes:

All results reported as A weighted decibels (DbA)

Measured results were collected with no obstructions between the sound meter and the clamshell dredge

*Rock Grizzly operating on south side of clamshell dredge at time of testing

6.0 Sound Level Projections in Expansion Area

After completion of the SPL evaluation of the Clamshell Dredge and associated conveyors, it was possible to calculate projected SPLs in the proposed expansion area. Sound projections were calculated using the inverse square law for sound pressure attenuation. The difference in sound pressure level (dL) is inversely proportional to the square of the distance from the source. This relationship is calculated using the following mathematical formula:

$$dL = 10 \log (R_2 / R_1)^2$$

where R_2 is the projected distance and R_1 is the distance from the source where the measurement was taken. The calculated dL is then subtracted from the measured decibel level at R_1 to determine the sound pressure levels at R_2 . This equation is based on a line-of-sight between the source and the receptor and does not take into account sound-absorbing or reducing items such as vegetation, structures, topography, and similar items. From the information presented in Table 1, the SPL measurements did not exceed 74 dB for any one-minute average during the duration of monitoring and were measured in a straight-line distance and did not account for a berm or sound barrier to be in place. The 30-minute average during normal operations is expected to be less than 67 Db. The time-weighted averages over the course of the (LAeq) ranged from 62.2 to 66.1 dB and did not account for any reduction of sound barriers or earthen berms.

It should be noted that the proposed expansion does include an earthen berm that will be an effective sound barrier and therefore, this was evaluated in the Table 3 calculations.

Table 2: Projected SPLs based on Measured Values and Distances

PROJECTED SOUND PRESSURE LEVEL SUMMARY					
Location	Distance/ Direction from nearest future clamshell dredge location	Map ID	Maximum One-Minute SPL (LAeq)	30-Minute TWA SPL (LAeq)	Rationale
Belleview Road	275 feet northeast	F	68.3	64.9	Nearest roadway to northeast
4062 Belleview Road	530 feet northeast	G	64.4	62.0	Nearest and only building to the northeast, based on data collected at 330 feet from source
3952 Belleview Road	600 feet northeast	L	63.3	60.9	
Adena Trail	275 feet southeast	H	73.7	65.0	Property line and nearest roadway to southeast
4120 Adena Trail	392 feet southeast	I	68.8	60.7	Residential building to the southeast, based on data collected at 330 feet from source
4126 Adena Trail	374 feet southeast	J	69.2	61.1	Residential building to the southeast, based on data collected at 330 feet from source
4127 Adena Trail	330 feet south	K	70.3	62.2	Residential building to the southeast, based on data collected at 330 feet from source

Projected results do not include any sound controls such as berms and vegetation
 Projected SPLs are based on the law of inverse squares resulting in a 6.0 Db decrease in SPLs each time the distance is doubled.

Noise controls, such as earthen berms or trees are barriers that have an attenuation effect on lowering sound pressure levels and this can be shown from measurements collected on the side of the earthen berm that was in-place during the operation of the clamshell dredge. NRM completed a 30-minute run from the opposite side of the berm nearest to where the clamshell dredge was being operated. Due to safety reasons, we could not measure the SPLs on the lake side of the berm so we projected the straight-line SPL at that same location using the above equation. The results are that the berm reduction at that location reduces the average sound level from 6 to 8 decibels. This evaluation suggested that earthen berms serve as effective sound barriers. The presence of the berm proposed for the expansion site is estimated to reduce the average sound 6 to 8 Db for the average sound and up to 2Db for one-minute peaks.

Table 3: Effectiveness of Sound Barriers

Location	Maximum One-Minute SPL (LAeq)	30-Minute TWA SPL (LAeq)	Maximum One-Minute SPL (LAeq) Projected to 1017 feet No Berm Scenario	30-Minute TWA SPL (LAeq) Projected to 1017 feet No Berm Scenario	Effect of Berm
1017 feet south behind berm	60.5	46.8	NA	NA	
275 feet south	73.7	65.0	62.3	53.6	Approximate 2Db reduction of one-minute peaks and 8Db reduction of average sound pressure levels
330 feet south	70.3	62.2	60.5	52.4	No significant reduction of one-minute peaks and approximate 6Db reduction of average sound pressure levels

6.0 Findings and Observations

NRM has conducted a sound pressure level (SPL) analysis of the ambient conditions during normal operating conditions while the floating clamshell dredge, mobile equipment, and conveyors were in operation. The sound level measurements were averaged over 30-minute runs and the data presented indicated that the average SPL at the site boundary and roadways nearest to where the dredge would operate in the expansion area was 65.0dBA and the maximum recorded measurements of one-minute LAeq was 73.7dBA. The average SPL nearest any owner dwelling or building was projected to be 65dBA or less and the maximum projected SPL was 70dBA. This would be the nearest location the dredge will be operating to the site boundaries due to setbacks and without a sound barrier. The earthen berms expected to be installed in the expansion area would further reduce the projected SPLs to less than the above-reported levels likely be measured in the 50 to 60dBA range because of the 6dBA reduction.

Results of the ambient SPL monitoring suggest that maximum and average ambient SPLs measured during normal operating conditions at the site boundary, adjoining roadways, or near adjoining owners swelling or buildings are not anticipated to be disruptive beyond what would be expected of typical outdoor activities. Additionally, the noise control currently used at the NKA facility include earthen berms and our evaluation had shown these barriers to be effective. We would expect similar results at the expansion area because noise barriers are proposed around the perimeter there as well.

These SPLs are comparative to sound levels such as what is typically experienced in quiet urban areas in the daytime, sound from normal conversation levels, or dial tones of a phone (Pennsylvania State University, 2018). Based on this evaluation, it is our professional opinion that the proposed mining operation expansion will be similar to normal ambient noise in a residential and agricultural setting that experiences typical daytime traffic and ambient noise if operated at setback distances from the surrounding site boundaries, adjacent public roads, and adjacent buildings and dwellings.

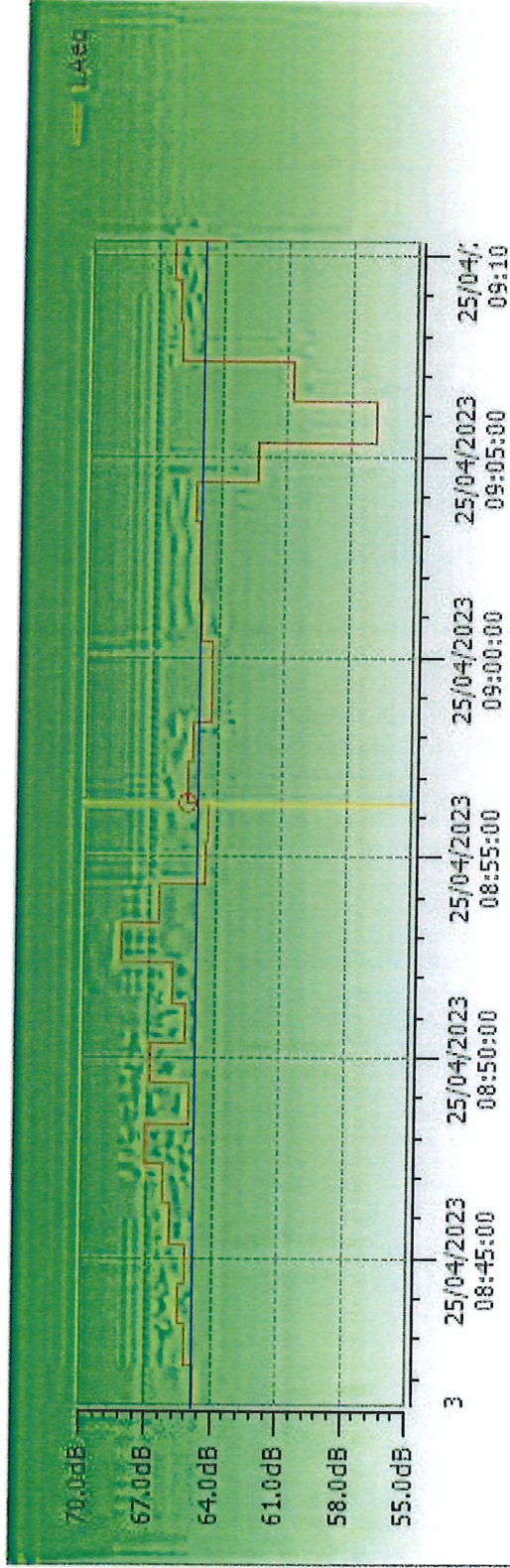
7.0 References

The Pennsylvania State University (2018) Noise Quest. <https://www.noisequest.psu.edu/noisebasics-basics.html>

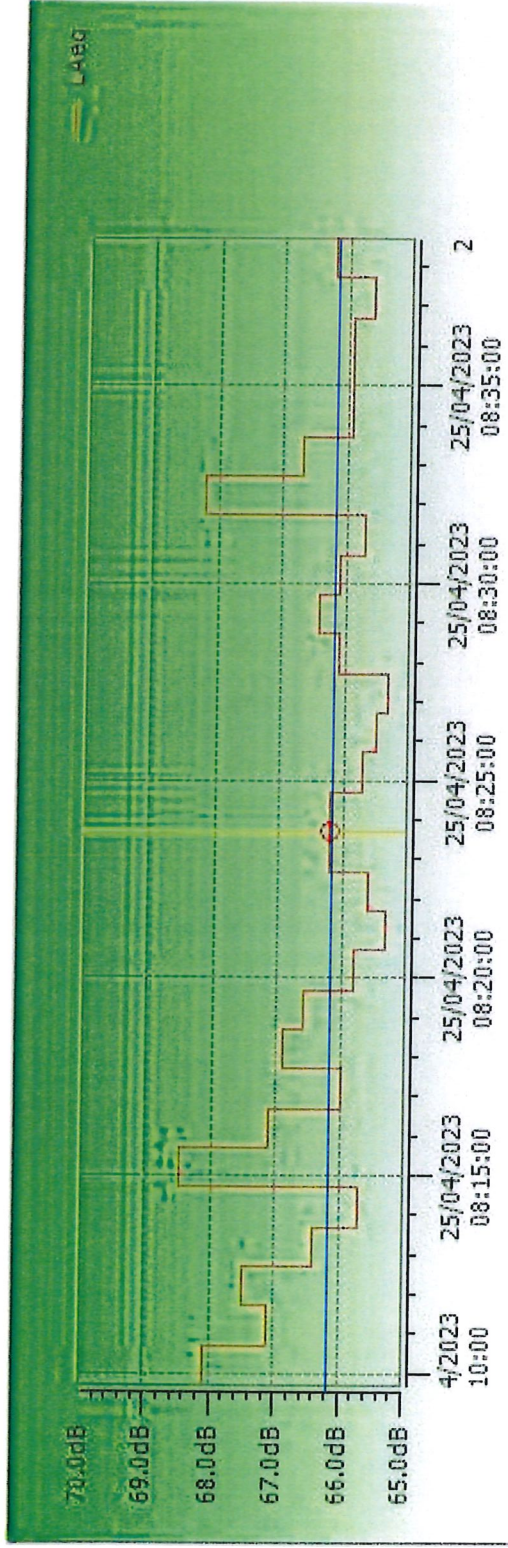
Ricardo A. Melo, Roberto L. Pimentel, Diego M. Lacerda and Wekisley M. Silva, 2015. Applicability of models to estimate traffic noise for urban roads. Journal of Environmental Science and Engineering. Research Article, Open Access.

Appendix A

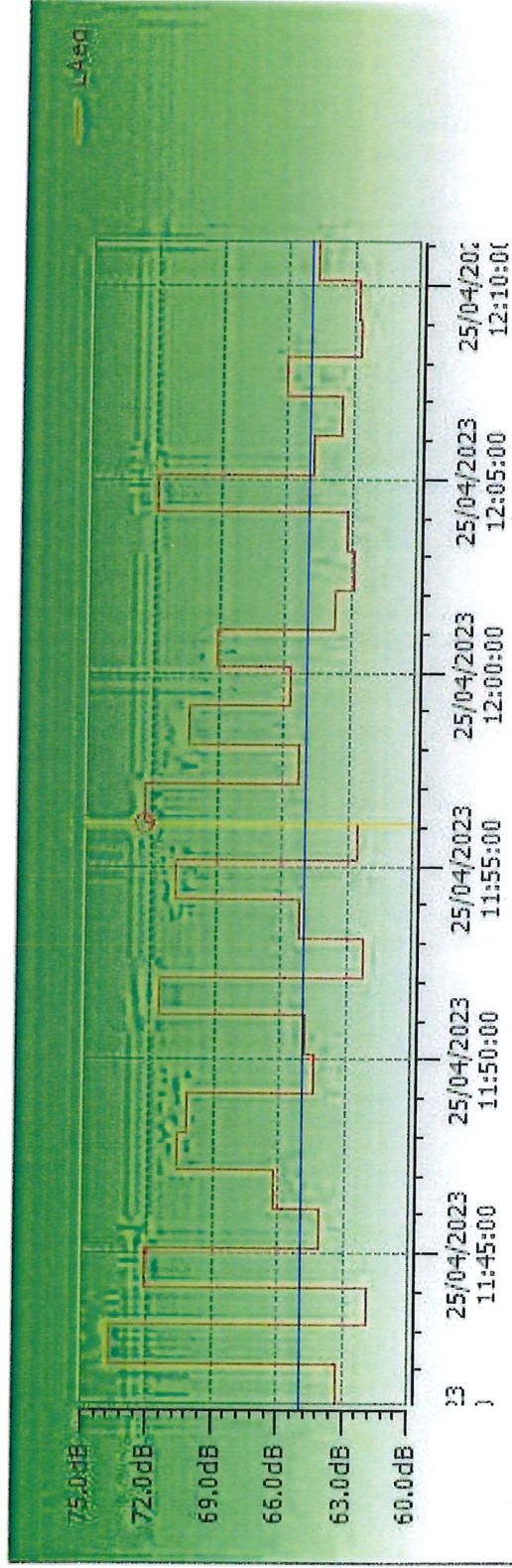
Sound Pressure Level Data Sheets



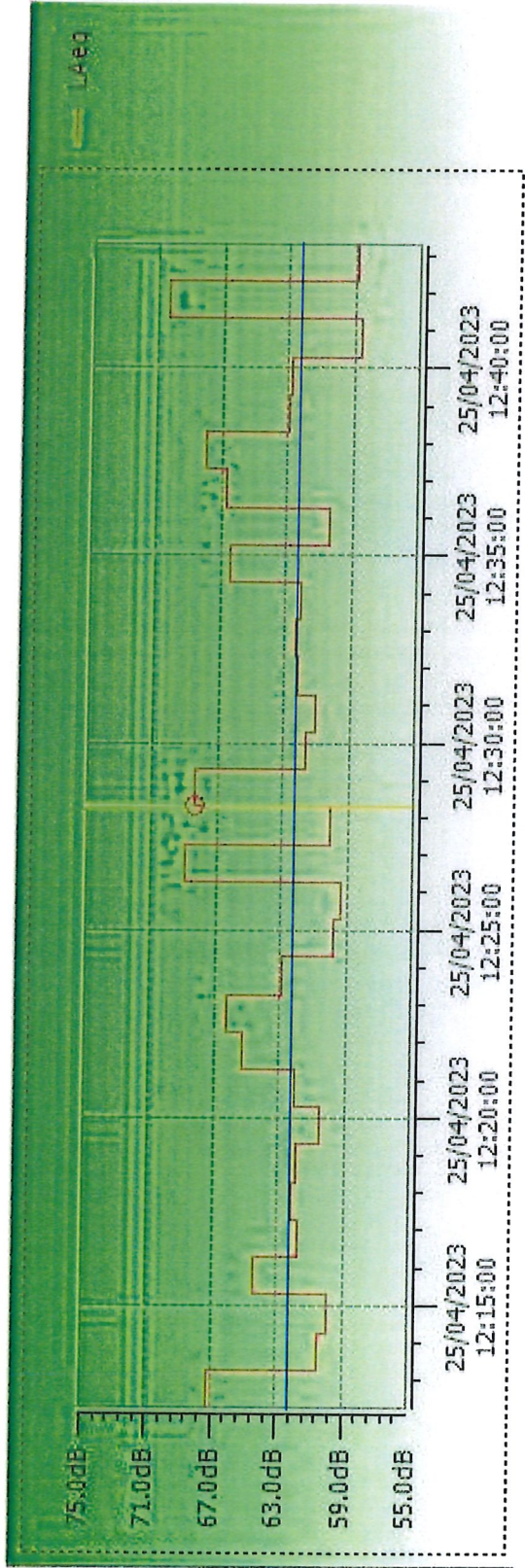
One-minute averages (red) and 30-minute average (blue) measured 275-feet east of dredge.



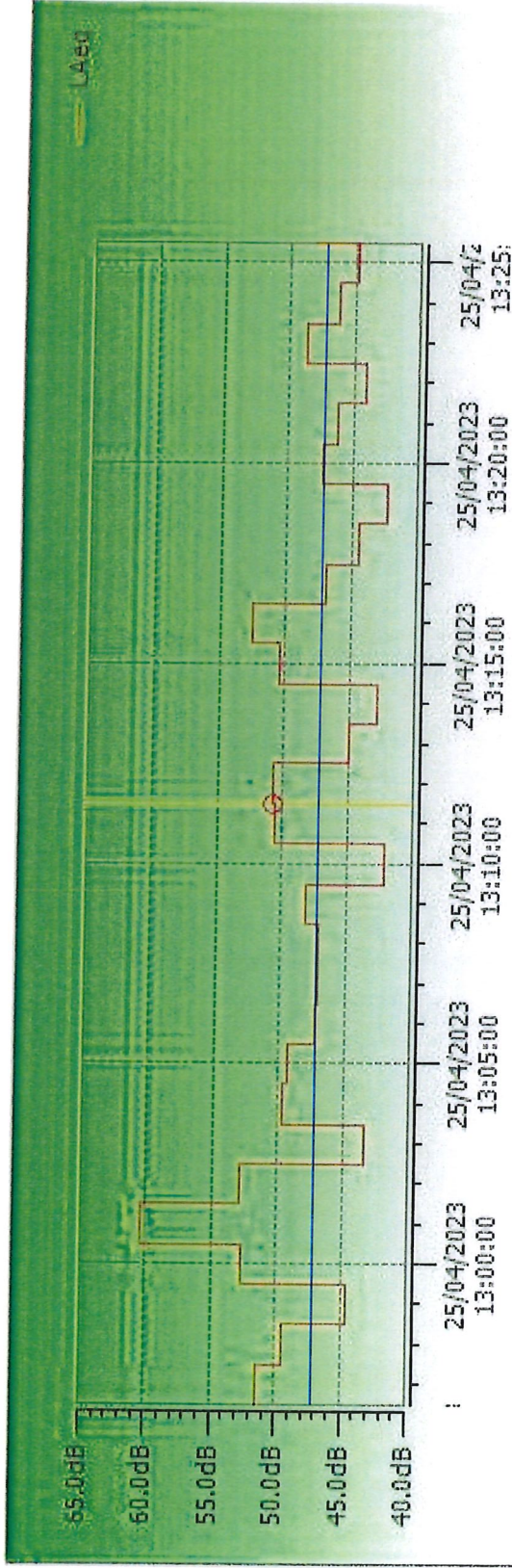
One-minute averages (red) and 30-minute average (blue) measured 330-feet east of dredge



One-minute averages (red) and 30-minute average (blue) measured 275-feet south of dredge.



One-minute averages (red) and 30-minute average (blue) measured 330-feet south of dredge.



One-minute averages (red) and 30-minute average (blue) measured 1017-feet south of dredge beyond southern berm.

Appendix B

Boone County, Kentucky Section 1150 through 1154

Conservation District, or a Residential District.

- j. No runoff from waste materials shall leave the subject property or enter any stream.
- k. Solid waste transfer stations shall comply with all applicable local ordinances and state and/or federal statutes and regulations.

SECTION 1144

Maximum Intensity

The maximum intensity of uses in an Industrial Two district shall not exceed 22,000 square feet of gross floor area per acre.

SECTION 1145

Minimum Size

The minimum size and extent of an Industrial Two district, including all the contiguous private property so designated, shall not be less than ten (10) acres.

SECTION 1147

Supplemental Zoning Map Amendment Standards

Zoning Map Amendment applications which request the I-2 zone, and which involve sites that are located within areas designated as "Business Park" by the Boone County Comprehensive Plan's Future Land Use Map, shall be assessed relative to the standards in Section 1609 "Design Standards" in conjunction with the provisions of Article 3 "Amendment."

SECTION 1150

INDUSTRIAL THREE (I-3)

Surface Mining District

The following regulations shall apply in all Industrial Three (I-3) districts. The intent of this district is to regulate surface mining excavation, extraction, processing, storage, loading, hauling, and unloading of sand, gravel, rock, clay, shale, stone, coal, and similar natural resources and for treatment and processing of such products which may be produced from such raw materials.

SECTION 1151

Principally Permitted Uses

The following uses are permitted:

1. Any customary agricultural use or structure, excluding dwellings;
2. Essential services and public utilities in accordance with applicable regulations of the Public Service Commission, Department of Transportation, or Federal Power Commission;
3. Sand, gravel, rock, clay, silt, shale, stone, and other mineral extraction from pits upon to the surface in conformance with a Surface Mining Special Use Permit issued by the Planning Commission;
4. Operations appurtenant to the treatment and processing of sand, gravel, rock, clay, silt, shale, stone, coal, and other natural resources including washing and screening, cement and lime manufacturing, drying, crushing, concrete batching and mixing, storage, loading and unloading from rail, river or highway vehicles in conformance with a Surface Mining Special Use Permit issued by the Planning Commission.
5. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1152

Accessory Uses

Customary accessory uses and structures including operations required to maintain or support any use permitted in this zone on the same site as the permitted use such as maintenance shops, power plants, offices, food service facilities and caretaker or watchman quarters.

SECTION 1154

Conditional Uses and Criteria

The following uses are permitted as geographic transitions between the uses Principally Permitted in the I-3 District and the existing and permitted uses of adjoining districts. Conditional Uses are 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 and employees and residents of the adjoining areas; b) the activity represents an appropriate land use transition between the mining related activities in the I-3 District and the existing and permitted uses of adjoining areas and districts; c) the use, building or structure is subservient to and not of scale, nature, trade or character which will compete, detract or conflict with the purpose and permitted uses of the I-3 District and adjoining districts; 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 adjoining districts:

1. All Principally Permitted Uses and Conditional Uses in the Small Community (SC) Overlay District except residential uses and Bed and Breakfast Inns;
2. Historic sites and structures, and other monuments and exhibits available for public viewing;
3. Miniature golf, arcades, golf driving ranges, batting cages, go-cart tracks and other specialized amusement facilities;
4. Tennis courts, ice skating, roller skating, riding stables, and bowling;
5. Play lots or tot lots, playgrounds, play fields or athletic fields, recreation centers, gymnasiums, and other athletic uses and structures;
6. Fishing lakes and fishing lake access, and indoor target ranges;
7. General leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
8. Landscape and plant nurseries including greenhouses, garden and landscape sales, but excluding outdoor display and storage of equipment and vehicles.

SECTION 1156

Application and Process

Applications for Industrial Three District zoning shall be processed in three stages as follows:

A. STAGE I - APPLICATION

If a site is not currently zoned I-3, then a Zoning Map Amendment application must be submitted in accordance with Article 3 of this document. Applications for Industrial Three (I-3) District zoning shall include a development plan with the following information in triplicate:

1. A vicinity map showing the area within a three mile radius of the center of the proposed site. Current 7-1/2 minute topographic at a scale of 1 inch equal to 2000 feet shall be used as the base map with existing zoning drawn thereon. Proposed routes for shipping and receiving materials and equipment shall be indicated along with daily, monthly and yearly average and maximum quantities of materials transported to and from the site. Recorded historical and archaeological sites, public facilities such as parks, schools, churches, cemeteries, fire stations and government offices and the boundaries of cities, counties and states shall be identified. The boundary of the proposed site shall be shown;

2. A site plan of the site drawn to a scale of 1 inch equal not more than 100 feet showing:
 - a. The total area of the property owned or leased by the applicant;
 - b. Names of abutting property owners;
 - c. All public and private right-of-ways and easements on or abutting the property with notation as to proposed continuation, creation, enlargement, relocation or abandonment;
 - d. Existing and proposed contours shown with intervals sufficient to show existing and proposed drainage, but not more than 10 feet;
 - e. All existing structures on the property and within 200 feet of the property lines on adjacent property;
 - f. General layout of proposed development showing proposed limits of excavation and all proposed structures;
 - g. Location, dimension, and description of proposed buffer strips, screening, and embankments;
 - h. All existing public roads abutting the site with width and type of pavement, existing and proposed right-of-way width, and existing and proposed drainage structures;
 - i. Existing drainage courses with proposed relocations, channel changes, diversions, retention basins, sedimentation basins, and drainage structures;
 - j. Schedule of development showing estimated time frame for development and reclamation of the site; including a description of maximum active area for operation, on-going reclamation area, and design of site work to minimize active area and minimize the time unreclaimed non-active area exists;
 - k. Routes of anticipated hauling travel on public roads with descriptions of maximum load weight limits of each public road, or road section anticipated to be utilized for transportation of the materials;
 - l. Proposed ultimate land use after full reclamation;

3. A written description of the proposed operation addressing each of the following:
 - a. Hours of operation: hours of operation within proposed operational boundaries, and hours of operation of off-site hauling, using public roads;
 - b. Dust control: detailed design plan including a list of equipment to be used for dust abatement along with a written summary of operator's fugitive dust requirements pursuant to current U.S. EPA, and Kentucky Department of Natural Resources and Environmental Protection as they specifically apply to the proposed operation;
 - c. ~~Noise control:~~ detailed design plan including a list of equipment to be used that may impact noise pollution. Projections of average and maximum decibel levels at site boundaries, adjacent public roads and all adjacent property owners buildings and/or dwellings;
 - d. Erosion control: description of surface soil quantities and proposed stockpiling of such for subsequent reclamation after closure of each active area, as set forth in item f. below;
 - e. Water pollution control: summary of the operator's requirements of all water pollution monitoring and waste handling requirements pursuant to U.S. EPA's and Kentucky Department of Natural Resources and Environmental Protection's National Pollutant Discharge Elimination System (NPDES) permit, groundwater, hazardous waste, hazardous substance regulations, and any other applicable environmental regulations. Details of any anticipated use or disturbance of any

lakes, ponds, streams, rivers, creeks, or the creation of any dikes, impoundments, settling ponds, or other method for water retention for the purpose of operation, water supply, reclamation, treatment, ultimate land use, or otherwise, including but not limited to any such activity that requires application and approval from the U.S. Army Corps of Engineers. Details of any underground storage tanks including description of use and methods of compliance under U.S. EPA, the Kentucky Department of Natural Resources and Environmental Protection regulations;

- f. Contemporaneous Reclamation Plan: a written description, prepared by a Professional Engineer licensed in the State of Kentucky, which establishes operational design plans for keeping reclamation operations, including backfilling, grading, soil preparations, and revegetation, contemporaneous with operations. This Plan which promotes the protection of people, property, land, water and other natural resources and aesthetic values, during operations shall include the following:
 1. A detailed site description and overview of the operations;
 2. General reclamation operations including but not limited to, backfilling, grading, top soil redistribution, liming, fertilization, other soil preparation, seeding, planting, mulching and revegetation of all land that is disturbed by the operations;
 3. A description of the "Active Area" which is defined as "the maximum quantity of acreage that shall have surface disturbance." "Surface disturbance" is that condition of land after initial disturbance of top soil and before reclamation has begun. The Active Area minimization efforts shall be described in detail in this Plan;
 4. A description of the "Reclamation Area" which is defined as that quantity of land no longer producing material, (i.e. inactive) until final reclamation is complete;
 5. A detailed description of the division of property into sections (each section no larger than the maximum "Active Area" under paragraph 3. of this section) and the design plan of the time frame and reclamation plans of each section through the Active Area phase and Reclamation Area phase, along with other details such as erosion controls and preparation for the Ultimate Land Use Plan upon final reclamation as described below;
- g. Ultimate Land Use Plan: the use of the land after final reclamation. This plan shall describe the use of the land after final reclamation. This plan shall be prepared by a Professional Engineer, licensed in the State of Kentucky, and shall include the following:
 1. A detailed design of final reclaimed topography, drainage and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays;
 2. The time frame of proposed final closure plans;
 3. A detailed description of any additional work; whether construction of structures, earthwork or any other requirements that are necessary to make the ultimate land use possible;
 4. The detailed cost estimate to finalize reclamation and complete the site for ultimate use. Such estimates shall be based on the costs to the owner or operator of hiring a third party to complete final reclamation and site preparation for ultimate land use. Bonding under Article 4.83E shall include these costs;
 5. A list of the names and current mailing addresses of all abutting property owners. Property located on public right-of-ways opposite the site are considered to be abutting the site. Current mailing address is the address on file at the Property Valuation Office at the Boone County Courthouse;
 6. Metes and bounds description of the property for which the zone change is required;

7. Applications for Surface Mining District zoning shall be made on forms available at the Boone County Planning Commission office. The application shall be signed by the owner of the property described in the application. Where the developer is other than the owner, the developer must also sign the application;
8. A written consent by the applicant and owner of the property that notice of conditions of any development plan or other restrictions are to be recorded in the records of the Boone County Clerk's office and the applicant and owner of the property agree to furnish all necessary information to properly record the notice, it being understood the recording is to subject the property to such conditions and restrictions to successors in title to the property.

B. STAGE II - PUBLIC HEARING

Upon receipt of the application, development plan, and required fees, the Planning Commission will conduct a public hearing in accordance with Kentucky Revised Statutes. The development plan shall be available for public inspection at the Planning Commission office during the required public notice time period and shall be presented at the public hearing.

C. STAGE III - DEVELOPMENT PLAN APPROVAL AND/OR RECOMMENDATION

Following the public hearing, the Planning Commission shall approve or disapprove the development plan. When the Planning Commission finds that changes in the development plan are necessary prior to approval, and based on information developed in the public hearing, the applicant shall be given thirty days in which to submit a revised development plan. No revisions shall be made other than those discussed at the public hearing and ordered by the Planning Commission. If the development plan is approved, the Planning Commission shall make a recommendation for a Zoning Map Amendment to the appropriate legislative body. The recommendation shall contain the findings of fact developed at the public hearing in support of the zone change. If the development plan is disapproved, the Planning Commission shall make a recommendation to deny the zone change to the appropriate legislative body with a copy of the recommendation to the applicant. The recommendation shall contain the reasons for denying the zone change.

SECTION 1158

Special Use Permit Application

After zoning approval has been granted by the legislative unit or if a site is currently zoned I-3, the developer shall file an application for a Surface Mining Special Use Permit. The application shall include the following information in triplicate:

- A. A site plan of the site drawn to a scale of 1 inch equal to not more than 100 feet showing:
 1. All information shown on the approved site plan of the Development Plan;
 2. Dimension, location of all proposed structures;
 3. Typical cross-section through site showing limits of excavation, location of embankments, location of buffer strips, species and density of proposed plantings;
 4. Erosion control measures;
 5. Location, width and surface types of access road to public road;
 6. Description of Active Area minimization, and time frame of contemporaneous reclamation of each section. This includes an itemized cost estimate of the reclamation of all property to be disturbed. Estimate will include cost of removing and disposing of structures, grading, fertilizing, seeding, mulching, and planting costs of the final preparations for the Ultimate Land Use Plan.
- B. Copies of applications for permits and/or licenses from local, State and Federal agencies having jurisdiction;

- C. Statement that the Planning Commission shall be furnished a copy of all inspection reports from the Kentucky Department of Natural Resources and Environmental Protection;
- D. Contemporaneous Reclamation Plan, which is a written description, prepared by a professional engineer licensed in the State of Kentucky, which establishes operation design plans for keeping reclamation operations, including backfilling, grading, soil preparations and revegetation, contemporaneous with operations. This Plan which promotes the protection of people, property, land, water and other natural resources and aesthetic values, during operations shall include the following:
1. A detailed site description and overview of the operations;
 2. General reclamation operations including but not limited to, backfilling, grading, top soil redistribution, liming, fertilization, other soil preparation, seeding, planting, mulching and revegetation of all land that is disturbed by the operations;
 3. A description of the "Active Area" which is defined as "the maximum quantity of acreage that shall have surface disturbance." "Surface disturbance" is that condition of land after initial disturbance of top soil and before reclamation has begun. The Active Area minimization efforts shall be described in detail in this Plan;
 4. A description of the "Reclamation Area" which is defined as that quantity of land no longer producing material, (i.e. inactive) until final reclamation is complete;
 5. A detailed description of the division of property into sections (each section no larger than the maximum "Active Area" under paragraph 3 of this section) and the design plan of the time frame and reclamation plans of each section through the Active Area phase and Reclamation Area phase, along with other details such as erosion controls and preparation for the Ultimate Land Use Plan upon final reclamation as described below.
- E. Ultimate Land Use Plan, which is the use of land after final reclamation. This plan shall describe the use of the land after final reclamation. This plan shall be prepared by a professional engineer, licensed in the State of Kentucky, and shall include the following:
1. A detailed design of final reclaimed topography, drainage and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays;
 2. The time frame of proposed final closure plans;
 3. A detailed description of any additional work; whether construction of structures, earthwork or any other requirements that are necessary to make the ultimate land use possible;
 4. The detailed cost estimate to finalize reclamation and complete the site for ultimate use. Such estimates shall be based on the costs to the owner or operator of hiring a third party to complete final reclamation and site preparation for ultimate land use. Bonding under Section 1158.F shall include these costs.
- F. A bond, payable to the legislative body having jurisdiction, in an amount equal to the estimated cost of reclamation times an escalation factor approved by the Planning Commission. The escalation factor shall be based on the average annual rate of inflation as published by the U.S. Bureau of Labor Statistics for the preceding five years times the number of years or fraction thereof proposed in the schedule of development. The bond shall be in a form approved by the legislative body having jurisdiction. Additional bond may be required during the course of the operation of the site when time extensions are granted by the Planning Commission, revisions are made to the development plan, or when the Planning Commission or the legislative body having jurisdiction has reasonable cause to believe the reclamation cannot be completed with the amount of bond posted;
- G. Applications for Surface Mining Special Use Permits shall be made on forms available at the Boone County Planning Commission office. The application shall be signed by the owner of the property described in the application. Where the developer is other than the owner, the developer must also sign the application;

- H. A written consent by the applicant and owner of the property that notice of conditions of any development plan or other restrictions are to be recorded in the records of the Boone County Clerk's office and the applicant and owner of the property agree to furnish all necessary information to properly record the notice, it being understood the recording is to subject the property to such conditions and restrictions to successors in title to the property.

SECTION 1160

Performance Requirements

Development and reclamation of the site shall be in accordance with the following definitions and criteria:

- A. **Time Limit:** The approved facility shall be in substantial operation one year after approval of the Surface Mining Special Use Permit. The applicant, or permittee, shall be subject to annual review by the Planning Commission to assure the permittee's compliance with the Development Plan, Contemporaneous Reclamation Plan, and the Ultimate Land Use Plan as approved by the Planning Commission.

The active mining area, as defined in the Development Plan, shall be maintained at or below the approved permitted size. The reclamation area, as described in the Development Plan, shall be reclaimed contemporaneously as set forth in the Contemporaneous Reclamation Plan and as expeditiously as possible. A map shall be submitted annually by the permittee to the Planning Commission showing the status of the affected area and reclamation.

Failure to complete contemporaneous reclamation of inactive areas will result in disallowance of advancement. If the Planning Commission determines that the development and reclamation of the site has not proceeded in accordance with the approved or amended time frames and plans, the Planning Commission shall notify the permittee of its finding. If the noncompliant activity is not corrected within forty five (45) days of written notification, the Surface Mining Special Use Permit shall be revoked. If revoked, the permittee shall apply for a Surface Mining Special Use Permit. In addition, a public hearing may be held to rezone the site based upon the recommendation from the Planning Commission and action from the legislative body.

All mining operations and reclamation activity shall be completed no later than twelve (12) years after approval of the Surface Mining Special Use Permit. The Special Use Permit shall be extended for another 12 years depending on the following criteria:

- 1) The site is in compliance with its currently approved plans,
- 2) No pending violations, either in the past or currently, still exist on the site.

All provisions in the Industrial Three (I-3) zoning classification still apply in the above extension process. Also, any unapproved changes on the site or to the approved plans shall require a new application submittal. Major amendments to the scope of the operation as permitted by the current Surface Mining Special Use Permit shall be submitted for review and approval by the Planning Commission in accordance with Section 1154. Major amendments include exceeding the scope or size of the operation beyond that approved through the current Surface Mining Special Use Permit, altering supplemental conditions of approval, or altering any plan element of substantive effect. Minor amendments do not involve exceeding the scope or size of the operation beyond that currently approved, do not involve alterations in any supplemental conditions of approval, and do not involve altering any plan element of substantive effect. Minor amendments may be approved by the Zoning Administrator.

- B. **Operations:** The approved facility shall be operated at all times in accordance with the following rules and regulations:

1. **Contemporaneous Reclamation Plan:** All operations must be conducted in a manner consistent with the Contemporaneous Reclamation Plan. In addition, hours of operation designations must be maintained. Any request for modification must be made in writing to the Planning Commission. Failure to do so could result in revocation of the Zoning Permit;
2. **Ultimate Land Use Plan:** The operations must be maintained in a manner consistent with the Ultimate Land Use Plan including but not limited to soil conservation etc. Any request for modification must be made in writing to the Planning Commission. Failure to do so could result in revocation of the Zoning

Appendix C

Instrument Calibration Documentation

Certificate of Conformity and Calibration

Instrument Model:- CEL-633C
Serial Number 1367992
Firmware revision V129-09
Microphone Type:- CEL-251
Serial Number 6096
Preamplifier Type:- CEL-495
Serial Number 004671
Instrument Class/Type:- 1

Applicable standards:-

IEC 61672: 2013 / EN 60651 (Electroacoustics - Sound Level Meters)
 IEC 60851 1979 (Sound Level Meters), ANSI S1.4: 1983 (Specifications For Sound Level Meters)

Note:- The test sequences performed in this report are in accordance with the current Sound level meter Standard - IEC61672. The combination of tests performed are considered to confirm the products electro-acoustic performance to all applicable standards including superceded Sound Level Meter Standards - IEC60651 and IEC60804.

Test Conditions:- 23 °C
 25 %RH
 1026 mBar
Test Engineer:- TSzling
Date of Issue:- March 3, 2023



Declaration of conformity:-

This test certificate confirms that the instrument specified above has been successfully tested to comply with the manufacturer's published specifications. Tests are performed using equipment traceable to national standards in accordance with Casella's ISO 9001:2015 quality procedures. This product is certified as being compliant to the requirements of the CE Directive.

Test Summary:-

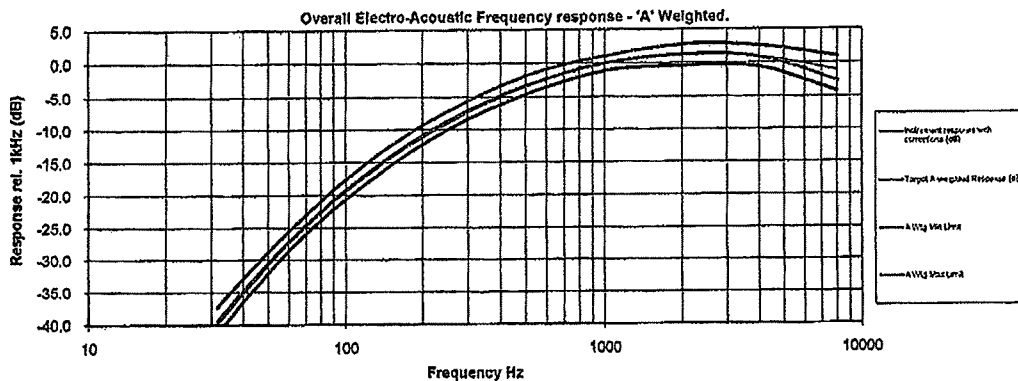
Self Generated Noise Test
 Electrical Signal Test Of Frequency Weightings
 Frequency & Time Weightings At 1 kHz
 Level Linearity On The Reference Level Range
 Toneburst Response Test
 C-peak Sound Levels
 Overload Indication
 Acoustic Tests

All Tests Pass
 All Tests Pass
 All Tests Pass
 All Tests Pass
 All Tests Pass
 All Tests Pass
 All Tests Pass
 All Tests Pass

Combined Electro-Acoustic Frequency Response - A Weighted

Combined Electro-Acoustic Frequency Response - A Weighted (IEC 61672-3:2006)

The following A-Weighted frequency response graph shows this instruments overall frequency response based upon the application of multi-frequency pressure field calibrations. The microphones Pressure to Free field correction coefficients are applied to pressure response. Reference level taken at 1kHz.



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Appendix D
Qualifications



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CURRICULUM VITAE

Frank “Chip” Tokar, Jr. CPG, PG, CMS, CPESC
ctokar@NRMsolution.com

PROFESSIONAL POSITIONS & EXPERIENCE

2007 to Present Natural Resources Management, LLC, Sylvania, Ohio

Managing Member. Conduct mineral reserve volume estimates and valuations for various construction aggregate and industrial mineral properties. Create mining and reclamation plans for limestone, industrial sand and sand and gravel quarries. Design, conduct and prepare reports of hydrogeologic investigations, wetland assessments, wetland mitigation plans, lake & stream quality evaluations. Conduct subsurface drilling, monitoring well installation & geothermal system installations. Conduct and prepare reports for environmental investigations (Phase I & II ESA) for merger & acquisition due diligence. Conduct air permitting, sound level and airborne particulate sampling, visual emission testing, landfill permitting and monitoring, hazardous waste sampling and evaluations for characterization and disposal, aerial photography, surveying, topographic and photogrammetric evaluations. Provide Expert witness testimony for condition use permitting, mineral valuation, environmental areas in litigation.

2000 to 2007 Stansley Mineral Resources, Inc./Sylvester Material Co. Sylvania, Ohio

VP Operations. Administrator of the quality control, health and safety, environmental permitting, mine permitting, geological exploration, planning and production processes of crushed limestone quarry, sand and gravel operations, concrete batch plants, 100+ aggregate trucking company and concrete block plants located in Northwest Ohio and Southeastern Michigan. Started three Greenfield Quarry operations that were sold to other aggregate companies. Negotiated lease hold interests for expansion properties that included royalty rate negotiations and property acquisitions. Participated in the direct valuation of assets and mineral reserves, leasehold interests during the sale and acquisition to Oldcastle Materials in 2005-2006.

1995 to 2000 The Payne Firm, Cincinnati, Ohio (Currently TRC Companies)

Project Manager. Conducted the evaluation, development, budgeting, coordination, and oversight of Phase I & II investigations, industrial decommissioning and remediation projects including UST, AST & hazardous waste evaluations. Evaluation of chemicals, asbestos, wetland and ecological surveys in various industrial, commercial and residential settings. Stream and lake quality investigations and reporting. Due diligence for Industrial and Commercial Merger and Acquisitions. Participated in exploration programs for sand and gravel and limestone operations in the northern Kentucky and southern Ohio areas.

1994 to 1995 Dames & Moore, Cincinnati, Ohio (Currently URS)

Phase I & Phase II Environmental and subsurface hydrogeological site investigations.

1989 to 1993 Ohio Geological Survey, Sandusky, Ohio

Conducted various subsurface geological investigation in Northern Ohio. Conducted photogrammetric evaluation of the Lake Erie shoreline and inland stream and wetland features. Conducted land surveying and monitoring of lakes, streams, wetlands, shore protection structures and dams.

1990 US Geological Survey, Water Resources Div., Orlando, FL

Conducted various subsurface geological investigations in Florida in the vicinity of karst topography. Conducted photogrammetric evaluation of Indian River estuary and various inland lakes, streams and wetlands. Conducted land surveying and water quality monitoring of freshwater canals, estuaries, streams and lakes.



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EDUCATION

Bowling Green State University, B.S. & M.S. Geology 1993, Outstanding Graduate Student Award

PUBLICATIONS & PRESENTATIONS

Tokar, F.J. Jr., & Tyler Tauscher 2022. Continued Monitoring of Sand and Gravel Mining Operations with respect to Groundwater Conditions and Surface Water Features in Southeast, Michigan. AIPG 59th National Conference – Marquette, Michigan. Presentation & Prog Abst. p. 38.

Tokar, F.J. Jr. *Rocks Are Minerals Too – Working Relationships with the Landman*. Presenter at the AAPL Field Landman Seminar, Lansing, Michigan, May 6, 2021; Michigan Association of Professional Landmen (MAPL).

Tokar, F.J. Jr. and Glenn Burkhardt, P.E., 2017. Effects of Supplemental Oxygenation Within the Aeration Process. 2017 Water & Wastewater Equipment, Treatment & Transportation Annual Conference, Presentation & Abst. P. 36.

Tokar, F.J. Jr., 2008 The Effects of Sand and Gravel Mining on Local Groundwater Conditions, Washtenaw County, Southeast, Michigan. AIPG-AHS-3Rd IPGC 2008 Symposium, Flagstaff, Arizona. Presentation & Prog Abst. p. 84.

Tokar, F.J. Jr., and J. E. Evans 1993 Determination of sediment transport with the use of natural tracers along the south shore of Lake Erie, Heidelberg Beach Ohio. Int. Assoc. Grt Lks Res., Prog Abst., 36th conf. P.54.

Tokar, F.J. Jr., and J.E. Evans 1993 Depositional Environments of the Pictured Cliffs Sandstone, Late Cretaceous, near Durango Colorado. Ohio Jour. Sci. 93(4), pp.83-89.

PROFESSIONAL MEMBERSHIPS AND CERTIFICATIONS

Approved Mineral Valuation Geologist, State of Michigan Department of Natural Resources

American Institute of Professional Geologists, Certification No. 10865

Licensed Professional Geologist in Kentucky, Indiana, Pennsylvania & Illinois

Registered Member Status of Society for Mining, Metallurgy & Exploration (SME No. 4306840)

Certified Mapping Scientist UAS No. UAS028

Member, American Society for Photogrammetry and Remote Sensing

Licensed FAA Remote Pilot Cert#3977771- & Certified sUAS Operation and Software Application

Member Ohio Aggregate & Industrial Mineral Association and Michigan Aggregate Association

Certified Quarry Foreman in Ohio, Certified Aggregate Technician in Ohio & Michigan

MSHA Part 48(B) Training, Part 46 Competent Trainer, HAZCOM, Sound Level and Dust Evaluation Training

Certificate US Army Corps of Engineers Wetland Delineation & Management Training Program

Michigan Wetlands Association, Wetland Delineation Course

Qualified Level 3 Data Collector, Surface Water Quality Credible Data Program (OEPA)

Primary Headwater Habitat Assessment Level I (Ohio EPA)

Certified Visual Emission Testing for US EPA Method 9

Certified Professional in Erosion and Sediment Control (CPESC)

SERVICES PROVIDED

UAS/UAV Volume Estimates, Aerial and Topographic Surveys

Aggregate Reserve Estimations & Valuations

Preparation of Mining and Reclamation Plans

Preparation of Special Land Use Applications

Installation of boreholes and monitoring wells using air rotary, mud rotary, sonic technology, direct push, rock cores

State & Local Public Hearing, Government Meetings Attendance

Expert Testimony for Mineral Reserve and Valuation Analysis, Mine Permitting and Zoning, Hydrogeology, Sound

Level Evaluations, Aggregate, Concrete, Asphalt Quality Control Evaluations

Dust and Environmental Impacts & Conceptual End Use

Aerial Survey, topographic and photogrammetric evaluations



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Geological & Hydrogeological Investigations, Modeling, Planning & Assistance
 Construction Aggregate Quality Control Evaluation, Planning and Testing Program Preparation
 Phase I & II Environmental Site Assessments

Lake and Streams Quality Evaluations
 Landfill and Compost Operational Permits and Planning
 Wetland Permitting/Mitigation and Federal, State and local permitting, Ecological Evaluations and Mitigation
 Storm Water Permitting, Plan Preparation and Inspections and Floodplain Evaluations
 Environmental Permitting, Auditing & Investigations
 Hazardous/Non-Haz waste characterization; Health & Safety Plans & Training

LIST OF REFERENCES FROM RECENT PROJECTS:

Brent Gerken, President The Gerken Companies 9072 County Road 424 Napoleon, OH 43545 P 419-533-7701	Brain P. Barger, Attorney Eastman & Smith, LTD. 100 E. Broad St. Suite 2300 Columbus, OH 43215 P: 614-564-1464	Daniel Sniegowski, GM Aggregates Stoneco of Michigan, A CRH Company 15203 South Telegraph Road Monroe, MI P 734-242-9500
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PARTIAL LIST OF CLIENTS, RELVENT PROJECTS AND EXPERIENCE

- **Barkan & Robon, Ltd (Maumee, Ohio)**
- **Emens & Woolper Law Firm, LPA (Columbus, Ohio)**
- **Eastman & Smith (Toledo & Columbus, Ohio)**
- **Aqua America- Ohio**
- **St. Mary’s Cement - Michigan**
- **Cardinal Aggregates-Ohio**
- **Putnam Aggregates-Ohio**
- **Gerken Materials, Inc.-Ohio and Michigan**
- **Lafargeholcim-Michigan**
- **Carmeuse-Ohio and Michigan**
- **Graymont Dolime-Ohio**
- **CRH/Oldcastle Materials/Cadillac Asphalt/Stoneco – Ohio and Michigan**
- **National Lime & Stone-Ohio and Indiana**
- **Jurgensen Companies - Ohio**

RELEVANT PROJECTS

ROCKY RIDGE DEVELOPMENT, LLC – Toledo, Ohio

Permitted and managed the development of a drinking water treatment material (DWTM) reclamation project in the City of Toledo at an active sand quarry. The project will results in receiving over 200,000 cubic yards of lime from the City of Toledo Water Treatment Plant that will be utilized to reclaim the borrow pit and create a wetland as an end use. Proposed plans for the site include partnering with the City Metroparks to establish the property as a community ecological and recreational location.

GERKEN MATERIALS- SAND & GRAVEL & LIMESTONE QUARRY ACTIVITIES-Ohio & Michigan. Conduct annual reserve and inventory estimates for book value on sand and gravel and limestone quarry operations in Ohio and Michigan. Conduct activities including groundwater and surface water monitoring, modeling, design and construction for



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the creation of lakes and ponds ranging from 2 to over 200-acres and depths over 100-feet. Prepared various hydrogeological modeling reports, lake ecology evaluations, wetland mitigation and delineation projects, storm water protection, installation and monitoring of over 100 monitoring wells and 300 soil borings to depths ranging from 30 to 300 feet.

CONFIDENTIAL CASE ON BEHALF OF INSURANCE COMPANY FOR A SAND & GRAVEL OPERATOR – CINCINNATI, OHIO. Served as expert witness for Defendant to evaluate a claim that Defendant had encroached onto the Plaintiff's property and caused property damage due to unsound reclamation practice which was also an operating Sand and Gravel mining facility. Prepared for depositions and trial, case was settled prior to trial.

BLUFFTON STONE COMPANY, BLUFFTON, OH. Prepared mineral valuation of limestone reserves underlying a utility easement taking case on behalf of property owner. Case settled prior to trial.

OEDER SAND & GRAVEL-South Lebanon, Ohio. Prepared business valuation of an operating sand and gravel reserve analysis and valuation of an active sand and gravel operation used for a retrospective total property appraisal.

WHILEAWAY W.E. GRANT FARM, LLC- Illinois. Conducted total property valuation for the client on an active surface C&DD reclamation site and underground limestone mining operation for lease re-negotiation and potential sale to a fortune 500 mining company.

BARKAN & ROBAN. Conducted subsurface investigation and provided expert testimony in trial with respect to sand and gravel mineral reserve value opinion for a private property owner subject to property taking from the Rover Pipeline installation in Southeast Michigan.

RRK ONE, LLC- Michigan. Conduct reserve valuation of greenfield site containing 6,000,000 tons of silica sand for the purpose of donation and IRS deduction.

THE SHELLY COMPANY, A CRH COMPANY-Ohio. Streetsboro, OH. Preparation of mineral valuation, comprehensive environmental assessment and mining and reclamation plans for sand and gravel mining operation. Provided expert testimony during the public hearings and planning commission review. This case is currently at the Ohio Supreme Court Case No. 2018-0237.

STONECO OF MICHIGAN, A CRH COMPANY-Conduct annual reserve and inventory volume estimates for use in book value reports and accounting audits.

GENOA LIMESTONE, LLC-Ohio. Conduct annual reserve and inventory estimates for book value on sand and gravel and limestone quarry operations in Ohio.

MAXIMIZING ABBOTT FARMS, LLC-Michigan. Conducted sand and gravel mineral valuation and direct negotiation of property surface and mineral rights on a 117-acre farm to a fortune 500 company in South-Central Michigan.

WYSONG SAND & GRAVEL-Ohio. Conducted mineral reserve volume and value estimates for three sand and gravel operations and one limestone dimension stone operation for potential sale to various mining companies in west-central, Ohio.

SHARON HARRIS FAMILY TRUST-Conducted mineral valuation on limestone surface deposit containing over 30,000,000 tons in Southeast, Ohio for probate value purposes.

RUBINGH FARM VALUATION-Antrim County, MI. Prepared mineral valuation for purchase of sand and gravel mineral rights from the Michigan Department of Natural Resources. Purchase was completed in 2016.

SHAEFFER FAMILY VALUATION-Isabella County, MI Prepared mineral valuation for purchase of sand and gravel mineral rights from the Michigan Department of Natural Resources. Purchase was completed in 2016.



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ALEX KRALL – Sugar Island, Michigan, Prepared mineral valuation for purchase of sand and gravel mineral rights from the Michigan Department of Natural Resources. Purchase was completed in 2019.

FARMER SAND & GRAVEL, MANCHESTER, MI

Provided trial testimony to the value of a sand and gravel operation with permitted and unpermitted reserves.

PUGH FAMILY TRUST. Conducted mineral reserve valuation on active limestone mining site and adjoining greenfield property containing a combined 30,000,000 tons for the purpose of sale to the quarry operator and participated in the negotiations.

EASTMAN & SMITH. Aggregate evaluations and permit assistance on several properties in Ohio for source material. Expert witness for case involving MSHA safety investigations in Ohio and Michigan.

LODI TOWNSHIP, ANN ARBOR, WASHTENAW COUNTY, MI

Provided third party evaluation with respect to the progress of reclamation activities at a completed sand and gravel operation and provided litigation support and expert witness services during mediation on behalf of the local regulators.

VILLAGE OF MAYBEE, MONROE COUNTY, MI

Provide inspection and consulting services for the Village Supervisor and Planning Commission with respect to on-going mining operations at the Maybee Quarry which mines and processes limestone and silica sand.

ST MARY'S CEMENT, CHARLEVOIX, MI

Prepare Mineral Valuation for privately owned and State of Michigan owned property for like-kind trade application.

TRUST OF CARL TUTTLE, Howell, MI

Mineral reserve analysis and valuation of an active sand and gravel operation used for a retrospective total property appraisal.

CRYSTAL WATERS, LLC, Monroe, MI

Prepare a mineral reserve analysis and valuation of an inactive limestone mining operation for the purpose of a total property appraisal for review by the State of Michigan Minerals Management Section and sale to the State of Michigan Department of Natural Resources.



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CURRICULUM VITAE

Paul Chasco, CPG, PG
pchasco@NRMsolution.com

PROFESSIONAL POSITIONS & EXPERIENCE

2021 to Present Natural Resources Management, LLC, Sylvania, Ohio

Geologist. Conduct the evaluation, development, budgeting, coordination, and oversight of Environmental Investigations (Phase I & II Environmental Site Assessment [ESA]), prepare Storm Water Pollution Prevention Plans (SWPPP), prepare Spill Prevention Control & Countermeasures (SPCC), environmental and mine permitting, and hydrogeologic investigations for commercial and mining properties. Conduct subsurface drilling, rock coring, and monitoring well installations. Prepare reports for environmental investigations (Phase I & II ESA) for due diligence. Conduct air permitting, sound level and airborne particulate sampling, visual emission testing, hazardous waste sampling and evaluations for characterization and disposal, aerial photography and videography, and topographic and photogrammetric evaluations. Conduct aggregate testing for quality. Conduct groundwater investigations to determine the hydrogeologic properties of aquifers. Prepare stormwater pollution prevention plans. Assist in creating mining plans for industrial sand and construction aggregate quarries.

2018 to 2021 Bowser-Morner, Inc, Toledo, Ohio

Senior Geologist/Project Manager. Conduct subsurface drilling, monitoring well installation, and hydrogeological investigations. Conduct and prepare environmental investigations (Phase I & II ESA) for merger & acquisition due diligence. Remove underground storage tank (UST) systems and conduct investigations at sites with leaking USTs. Conduct groundwater monitoring at construction & demolition debris landfills. Conduct aggregate testing for concrete, asphalt, and base material quality.

2013 to 2018 TTL Associates Inc, Toledo, Ohio

Senior Geologist. Conduct subsurface drilling, monitoring well installation, and hydrogeological investigations. Conduct and prepare environmental investigations (Phase I & II ESA) for merger & acquisition due diligence for national companies with sites across the United States. Remove underground storage tank (UST) systems and conduct investigations at sites with leaking USTs. Conduct investigations at Superfund sites. Conduct groundwater investigations to determine the hydrogeologic properties of aquifers. Evaluation of chemicals in soil, and groundwater in various industrial, commercial and residential settings across the United States.

2010 to 2013 Westech Environmental Solutions, Cheviot, Ohio

Geologist. Conduct subsurface drilling, monitoring well installation, and hydrogeological investigations. Conduct and prepare environmental investigations (Phase I & II ESA) specializing for school renovations and new school construction. Remove underground storage tank (UST) systems and conduct investigations at sites with leaking USTs specializing in schools and bus garages. Evaluation of chemicals in soil, and groundwater at brownfield sites and schools.



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2003 to 2010 Keramida Environmental Inc, Cincinnati, Ohio

Project Geologist. Conduct subsurface drilling, monitoring well installation, and hydrogeological investigations at brownfield sites. Conduct and prepare environmental investigations (Phase I & II ESA) for brownfield sites across Ohio and Indiana. Performed Phase I ESAs across the United States for a major automotive parts manufacturer and distributor. Performed environmental due diligence for the commercial lending arm of a major bank based in Cincinnati, Ohio. Performed emergency response and continuing environmental monitoring at the site of a petroleum pipeline failure. Monitored groundwater at sanitary waste landfills and at bulk petroleum storage terminals. Remove underground storage tank (UST) systems and conduct investigations at sites with leaking USTs.

1998 to 2003 Civil & Environmental Consultants Inc, Cincinnati, Ohio

Project Geologist. Conduct subsurface drilling, monitoring well installation, and hydrogeological investigations at brownfield sites, natural gas transmission pipeline facilities, and a former crude oil refinery. Collected soil and groundwater samples across the United States for environmental evaluation on behalf of a national law firm. Monitored groundwater at sanitary waste landfills and hazardous waste landfills. Remove underground storage tank (UST) systems and conduct investigations at sites with leaking USTs.

1994 North Dakota State Water Commission, Bismarck, North Dakota

Summer Student. Assisted with conducting site-suitability of solid waste facilities based on geology and hydrologic characteristics. The information was used for site improvement, remediation or closure. Collected water levels across the state for aquifer monitoring and permitting purposes.

EDUCATION

North Dakota State University, B.S. Earth Science 1994.
University of Toledo, M.S. Geology 1997.

PROFESSIONAL MEMBERSHIPS AND CERTIFICATIONS

Indiana Licensed Professional Geologist 2249
Kentucky Professional Geologist KY111965
Pennsylvania Professional Geologist PG005213
Tennessee Registered Geologist TN4813
American Institute of Professional Geologists, Certified Professional Geologist CP 12024
Licensed FAA Remote Pilot Cert No. 4346009
MSHA Part 46 Training
Certified Visual Emissions Testing for US EPA Method 9
Hazardous Waste Operations & Emergency Response Certification
Ohio Aggregates & Industrial Mineral Associates Level I Aggregate Technician Cert No 1201112
Ohio Aggregates & Industrial Mineral Associates Level II Aggregate Technician Cert No 2210703
American Concrete Institute Aggregate Testing Technician Level 1
American Concrete Institute Concrete Laboratory Testing Technician Level 1
American Concrete Institute Concrete Strength Testing Technician
Flexible Pavements of Ohio Asphalt Level 2 Testing Technician



7901 Sylvania Road
Sylvania, Ohio 43560
Local 419-841-3232
Fax 419-882-8772
www.NRMsolution.com

LIST OF REFERENCES

Joe Knepley, Operations Manager Gerken Materials, Inc. 9072 County Road 424 Napoleon, OH 43545	Ross Kotkowski Lakeside Sand & Gravel 3498 Frost Road Mantua, OH 44255	Sue Hanf, P.E. Stoneco of Michigan P.O. Box 600 Thornville, OH 43076
---	---	---

PARTIAL LIST OF CLIENTS, RELEVANT PROJECTS, AND EXPERIENCE

Gerken Materials, Inc.-Ohio, and Michigan
Lakeside Sand & Gravel
Calo & Sons
Stoneco of Michigan
Genoa Limestone

GERKEN MATERIALS, INC.

- Conduct activities including groundwater and surface water monitoring. Prepared various groundwater reports, installation and monitoring of wells and soil borings.
- Mine permitting, mine permit amendments and modifications, expansions, and annual reports.
- Groundwater monitoring and annual groundwater reports.
- Noise monitoring to ensure operations are below permitted noise levels
- Drone flights for annual maps and stockpile evaluation

STONECO OF MICHIGAN

- Various reports, installation and monitoring wells, exploration borings, and soil borings with depths to over 100 feet.
- Mine permitting, mine permit amendments and modifications, expansions, and annual reports.
- Groundwater monitoring and annual groundwater reports.
- Sound studies for permitting new facilities
- Environmental due diligence during the acquisition of new sand and gravel pits

LAKESIDE SAND & GRAVEL

- Mine permitting, mine permit amendments and modifications, expansions, and annual reports.
- Drone flights for annual maps
- Employee noise and dust monitoring to ensure operations are within MSHA permitted levels

GENOA LIMESTONE

- Conduct weekly and quarterly aggregate testing to ensure material is within Ohio Department of Transportation specifications
- Drone flights for maps and stockpile evaluation
- Employee noise and dust monitoring to ensure operations are within MSHA permitted levels



7901 Sylvania Road
Sylvania, Ohio 43560
Local 419-841-3232
Fax 419-882-8772
www.NRMsolution.com

JURGENSEN AGGREGATES.

- Sound studies for expansions of existing facilities permitting new facilities
- Monitoring ambient sound at proposed future operations to determine the impact of noise on adjoining properties

CVS HEALTH – Illinois, Kentucky, New York, Ohio, Pennsylvania, and West Virginia

- Conduct phase I and Phase II ESAs as part of the due diligence process for acquiring land for new CVS/pharmacy stores
- Removed USTs at former gasoline stations prior to construction of new CVS/pharmacy stores
- Prepared site characterization reports, remedial action plans and other environmental reports for sites where contamination was discovered prior to CVS purchasing the property
- Environmental remediation of contaminated sites

BROWNFIELD GRANTS – Lucas, Hancock, and Wood Counties in Ohio

- Conducted Phase I and Phase II ESAs of vacant and abandoned properties under U.S. EPA brownfield grants for the respective counties.

XENIA PUBLIC SCHOOLS

- Removed over 10 heating oil USTs at various elementary, junior high, and high schools so new buildings could be built on the existing school properties.

GENUINE PARTS/NATIONAL AUTOMOTIVE PARTS ASSOCIATION (NAPA) - Nationwide

- Completed Phase I ESAs as part of the due diligence process for acquiring land for new NAPA stores.
- Conducted soil and groundwater sampling at a former brake manufacturing facility in Indianapolis, Indiana

CLEAN OHIO FUND – BROWNFIELD GRANTS

- Former Jackson Iron and Steel Company Jackson, Ohio, Completed Phase I Property Assessment (PA) and Phase II PA under Clean Ohio Assistance Fund and Clean Ohio Revitalization Fund
- Former Frick-Gallagher facility Wellston, Ohio, Completed Phase I PA and Phase II PA under Clean Ohio Assistance Fund and Clean Ohio Revitalization Fund
- Former Ohio Fire Brick facility Oak Hill, Ohio, Completed Phase I PA and Phase II PA under Clean Ohio Assistance Fund and Clean Ohio Revitalization Fund
- Former Hexion Specialty Chemicals Glendale, Ohio, Completed Phase I PA and Phase II PA under Clean Ohio Assistance Fund and Clean Ohio Revitalization Fund, site now occupied by Frederick Steel
- Former Paper Mill, Dayton, Ohio Completed Phase I PA and Phase II PA under Clean Ohio Assistance Fund and Clean Ohio Revitalization Fund



7901 Sylvania Road
Sylvania, Ohio 43560
Local 419-841-3232
Fax 419-882-8772
www.NRMsolution.com

COLUMBIA GAS TRANSMISSION – Ohio, Kentucky, and West Virginia

- Completed environmental investigations of soil, sediment, surface water, groundwater, and other environmental media under the United States Environmental Protection Agency consent order and oversight
- Conducted soil and groundwater sampling at a former brake manufacturing facility in Indianapolis, Indiana

EXHIBIT K

Maximum Load Weight Limits of Public Road

Maximum Load Weight Limits for Belleview Road
(provided by KYTC)

RT_UNIQUE	MILES	D_GOV_LVL	RT_DESCR	D_DISTRICT	CNTY_NAME	RT_NUMBER	D_WT_CLASSES	DESC_OF_ROUTE
008-KY-0020 - 000	0.4	State Maintained Roads	BELLEVIEW WRD	Covington	Boone	20	80 000 lbs maximum	From KY 18 to Entrance of Eaton Sand and Gravel Company Quarry
008-KY-0020 - 000	4.606	State Maintained Roads	BELLEVIEW WRD	Covington	Boone	20	62 000 lbs maximum	From Entrance of Eaton Sand and Gravel Company Quarry to Entrance of Cooke Aggregates Company 1.6 miles Southwest of Petersburg
008-KY-0020 - 000	5.006	State Maintained Roads	BELLEVIEW WRD+THIRD ST- PETERSBU RG+PETER SBURG RD	Covington	Boone	20	80 000 lbs maximum	From Entrance of Cooke Aggregates Company 1.6 miles Southwest of Petersburg to KY 212 near I-275 Interchange
008-KY-0020 - 000	19.708	State Maintained Roads	PETERSBU RG RD	Covington	Boone	20	62 000 lbs maximum	From KY 212 near I-275 Interchange to KY 8 near Constance

EXHIBIT L

Correspondence with Local and State Agencies

Johnson, Madison

From: Perry, Marty M (Heritage Council) <marty.perry@ky.gov>
Sent: Tuesday, April 11, 2023 9:37 AM
To: Konkol, Nicole N (Heritage Council); Johnson, Madison
Subject: RE: Historic Structure at Potential Site Development

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Madison: I used my office's GIS mapping of recorded historic properties with the address you gave, 3989 Belleview Rd., Petersburg, Kentucky, and did not find any recorded properties at the point that the map identifies at that address. Because that address is for a large rural property, it's worthwhile for me to tell you about properties that have been recorded and that stand nearby, in case those nearby properties might somehow have a relationship to the site you're interested in. We identify sites by number, and all Boone County sites have a "BE" prefix.

The first of those two sites identified on the GIS map is site BE 1101, called the Baker Farm. The survey database reports that property's address as being 4376 Belleview Road. Do you know a property that is called the Baker Farm, residing across the road from the property you have asked about? Because the property you're interested in and this Baker Farm are both large rural properties, it's possible that those two address numbers, whose addresses are 400 digits apart, still could have acreage directly across the road from each other. The Baker Farm is not on the National Register.

The other property is BE 27, called Captain N. Collins House, and is listed on the National Register. Its address is given as 6255 Aurora Ferry Road, but it shows up on the GIS map as standing nearby the location that the map plots as 3989 Belleview Road, so I mention it here.

If you have further questions, don't hesitate to contact me.

Marty Perry
National Register Coordinator
KY Heritage Council
410 High Street
Frankfort, KY 40601

Phone: 502.892-3609
Fax: 502.564.5820

From: Konkol, Nicole N (Heritage Council) <nicole.konkol@ky.gov>
Sent: Tuesday, April 11, 2023 9:20 AM
To: Johnson, Madison <mjohnson@dbllaw.com>
Cc: Perry, Marty M (Heritage Council) <marty.perry@ky.gov>
Subject: Re: Historic Structure at Potential Site Development

Hi Madison.

I'm circling back with you to thank you for reaching out.

As your inquiry does not apply to anything seeking federal funding or permitting, Section 106 compliance is not triggered.

Mr. Perry would be the best person to answer your question pertaining to currently listed structures in Kentucky.

Sincerely,

N. Nicole Konkol

Site Protection Program Administrator
Kentucky Heritage Council
410 High Street
Frankfort, Kentucky 40601



Important Note about Section 106 Submissions:

In order for your Section 106 submission to be accepted, distributed, and reviewed all documents must be sent via email to our dedicated address: khc.section106@ky.gov.

For additional information on how and what to submit for Section 106 review, please visit our webpage: <https://heritage.ky.gov/compliance/Pages/overview.aspx>

From: Johnson, Madison <mjohnson@dbllaw.com>
Sent: Tuesday, April 11, 2023 9:06 AM
To: Konkol, Nicole N (Heritage Council) <nicole.konkol@ky.gov>
Subject: RE: Historic Structure at Potential Site Development

Hi Ms. Konkol,

I just want to push my below email to the top of your inbox regarding structures located on 3989 Belleview Rd., Petersburg, Kentucky.

Best,
Madison

Madison Johnson
321 West Main Street Suite 2100
Louisville, KY 40202
Direct: (502) 630-1309
General: (502) 572-2500 Fax: (502) 572-2503
www.dblaw.com / mjohnson@dblaw.com



Cincinnati / Northern Kentucky / Louisville

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From: Johnson, Madison
Sent: Tuesday, March 28, 2023 1:16 PM
To: nicole.konkol@ky.gov
Subject: Historic Structure at Potential Site Development

Hi Ms. Konkol,

I spoke with your colleague, Mr. Perry, yesterday afternoon regarding whether a structure located on 3989 Belleview Rd., Petersburg, Kentucky was on the national register and if it is, then what restrictions or limitations apply to the property owner. I searched the national registry this morning and did not find this address listed. Is there any way you can confirm that there is no structure on the national registry at this address? In addition, I am working with the Boone County Historic Preservation office to confirm that they also do not have it listed as a Historic Landmark.

Are there any other historic designations that we should be aware of?

Thank you,
Madison Johnson

Madison Johnson
321 West Main Street Suite 2100
Louisville, KY 40202
Direct: (502) 630-1309
General: (502) 572-2500 Fax: (502) 572-2503
www.dblaw.com / mjohnson@dblaw.com



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Any statements made herein regarding tax matters, including attachments, may not be relied upon by anyone to avoid tax penalties and are not to be used or referred to in any publication or marketing materials.



Writer's Direct:
Phone: (859) 426-2108
Fax: (859) 788-2011
Email: lwolff@dbllaw.com

March 29, 2023

Via Certified Mail & Electronic Mail

Kentucky Transportation Cabinet
Department of Highways District 6
Robert Yeager, Chief District Engineer
21 Buttermilk Pike
Covington, KY 41017
Robert.Yeager@ky.gov

Re: Letter Providing Notice of New Project and Zoning Map Amendment

Dear Mr. Yeager:

We represent Northern Kentucky Aggregates, Inc. ("NKY Aggregates") in its request for a Zoning Map Amendment to the Boone County Planning Commission. NKY Aggregates currently owns property commonly referred to as 3743 and 3869 Belleview Road, Petersburg, Kentucky 41080 for the operation of its mining and production facilities of sand and gravel ("Current Zoning Property") (See Exhibit A). NKY Aggregates plans to purchase the adjacent property located at 3989 Belleview Road, Petersburg, Kentucky 41080 ("Proposed Zoning Property") (See Exhibit A, GIS Map).

In conjunction with the acquisition of the Proposed Zoning Property, NKY Aggregates will be submitting an application for a Zoning Map Amendment of the Proposed Zoning Property. The Current Zoning Property is zoned Industrial Three ("I-3"). The Proposed Zoning Property is partially zoned I-3 (approximately 68%) and partially zoned Rural Suburban ("RS") (approximately 32%). In addition, a large portion of the surrounding area and adjacent parcels to the Proposed Zoning Property are zoned I-3, so the change will better align the Proposed Zoning Property with currently permitted uses in the area (See Exhibit B, Zoning Map).

Also attached is a draft site plan ("Site Plan") which identifies the proposed mining area on the Proposed Zoning Property (See Exhibit C, Site Plan).

This Zoning Map Amendment will permit NKY Aggregates to shift its mining operation from its Current Zoning Property to the Proposed Zoning Property. This will result in no change to the volume of mining that is currently being conducted. In addition, the traffic to Belleview

Mr. Robert Yeager
May 1, 2023
Page 2 of 5

Road will not be impacted. In fact, NKY Aggregates plans to construct a conveyer system to transport the mined material from the Proposed Zoning Property to its existing production facilities located within the Current Zoning Property, as to eliminate any additional ingress or egress on Belleview Road.

We are providing this advance notice to alert of the planned use and to vet any potential issues with the proposed plan of the Current Zoning Property and the Proposed Zoning Property. Thank you in advance for your attention to this matter. Please contact me at the above telephone number and email.

Sincerely,

Loren Wolff
Dressman Benzinger LaVelle psc

Exhibit A
GIS Map



Current Mining Property

Owner: Northern Kentucky
Aggregate, Inc.

3743 Belleview Road
3989 Belleview Road

PIDN: 002.00-00-003.00
PIDN: 002.00-00-008.00
PIDN: 002.00-00-010.00
PIDN: 002.00-00-011.00
PIDN: 002.00-00-011.01
PIDN: 002.00-00-011.02

Proposed Mining Property

Owners: HITZFIELD TIMOTHY
WILLIAM & HITZFIELD DANIEL
LYNCH & HITZFIELD JOSEPH
GERARD & HITZFIELD NANCY

3989 Belleview Road

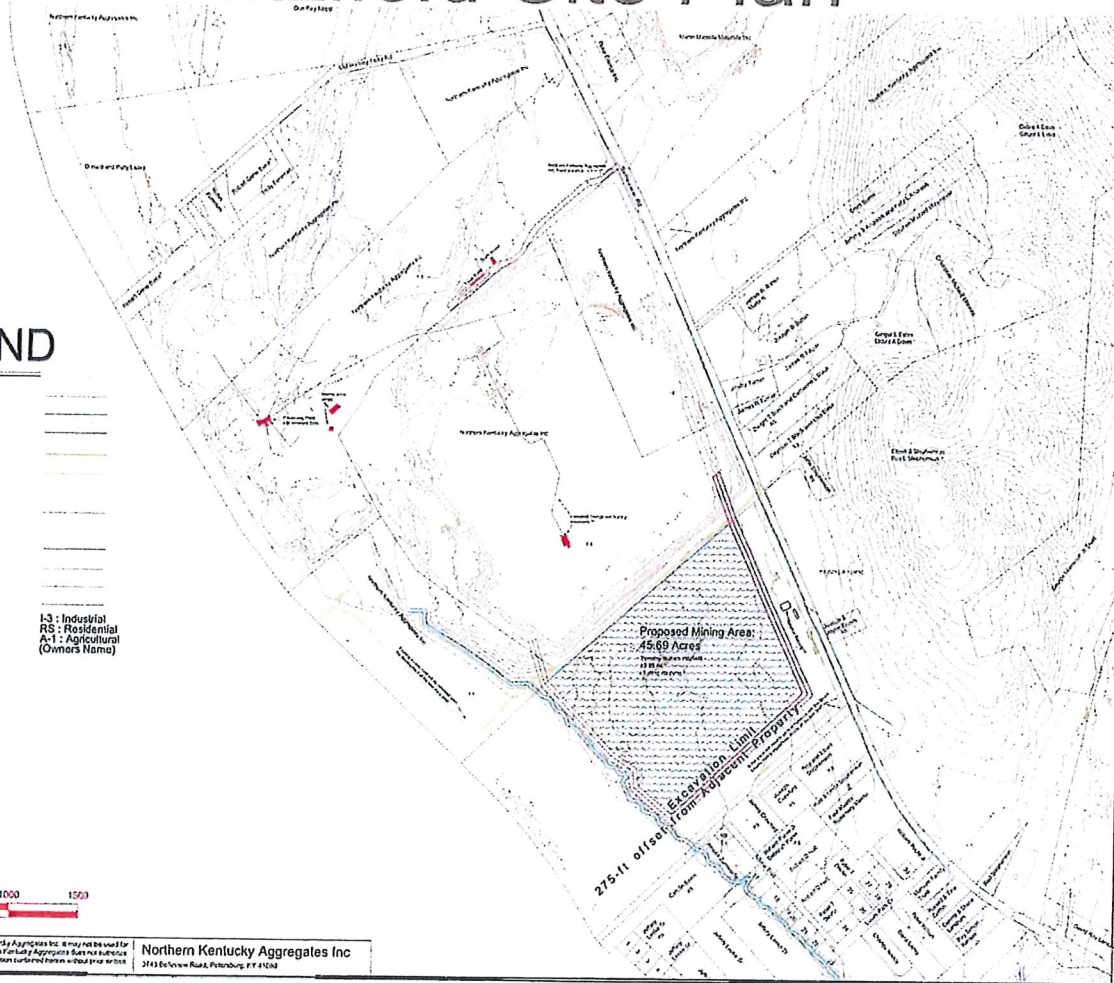
PIDN: 002.00-00-016.00

Exhibit B
Zoning Map



Exhibit C
 Site Plan

Hitzfield Site Plan



Date: 1/20/2023
 Ref #:
 Checked By:
 Approved By: OHS
 File Name:
 This drawing is the property of Northern Kentucky Aggregates Inc. It may not be used for any purpose other than that for which it was prepared. Northern Kentucky Aggregates Inc. does not warrant the accuracy or completeness of any information contained herein without prior written consent.

LEGEND

- Parcel Boundaries
 - Proposed Mining Area
 - Current Plant Location
 - Vegetation Buffers
 - Existing Access Road
 - Proposed Access Road
 - Proposed Berm
 - Existing Plant cover
 - Existing Structures
 - Flood Plain Buffer (25-ft)
 - Contours (10-ft)
 - Existing Powerlines
 - Zoning Labels
- I-3 : Industrial
 RS : Residential
 A-1 : Agricultural
 (Owners Name)

1. 1/4 Sec 10
2. 1/4 Sec 11
3. 1/4 Sec 12
4. 1/4 Sec 13
5. 1/4 Sec 14
6. 1/4 Sec 15
7. 1/4 Sec 16
8. 1/4 Sec 17
9. 1/4 Sec 18
10. 1/4 Sec 19
11. 1/4 Sec 20
12. 1/4 Sec 21
13. 1/4 Sec 22
14. 1/4 Sec 23
15. 1/4 Sec 24
16. 1/4 Sec 25
17. 1/4 Sec 26
18. 1/4 Sec 27
19. 1/4 Sec 28
20. 1/4 Sec 29
21. 1/4 Sec 30
22. 1/4 Sec 31
23. 1/4 Sec 32
24. 1/4 Sec 33
25. 1/4 Sec 34
26. 1/4 Sec 35
27. 1/4 Sec 36
28. 1/4 Sec 37
29. 1/4 Sec 38
30. 1/4 Sec 39
31. 1/4 Sec 40
32. 1/4 Sec 41
33. 1/4 Sec 42
34. 1/4 Sec 43
35. 1/4 Sec 44
36. 1/4 Sec 45
37. 1/4 Sec 46
38. 1/4 Sec 47
39. 1/4 Sec 48
40. 1/4 Sec 49
41. 1/4 Sec 50
42. 1/4 Sec 51
43. 1/4 Sec 52
44. 1/4 Sec 53
45. 1/4 Sec 54
46. 1/4 Sec 55
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82. 1/4 Sec 91
83. 1/4 Sec 92
84. 1/4 Sec 93
85. 1/4 Sec 94
86. 1/4 Sec 95
87. 1/4 Sec 96
88. 1/4 Sec 97
89. 1/4 Sec 98
90. 1/4 Sec 99
91. 1/4 Sec 100



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 Northern Kentucky Aggregates Inc.
 2143 Buckhorn Road, Petersburg, KY 40382

Johnson, Madison

To: Peck, Angie; Wolff, Loren, V.
Subject: RE: 2023.03.29 - Correspondence (NKY Aggregates)

From: Minckley, James A (KYTC-D06) <James.Minckley@ky.gov>
Sent: Monday, April 3, 2023 11:12 AM
To: Peck, Angie <apec@dbllaw.com>
Cc: Yeager, Robert A (KYTC-D06) <Robert.Yeager@ky.gov>
Subject: RE: 2023.03.29 - Correspondence (NKY Aggregates)

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Ms. Peck,

Thank you for your letter regarding the planned expansion of NKY Aggregates and the associated request for a zoning map amendment. We appreciate the opportunity to comment on the proposed amendment and potential impacts the planned expansion may have on state-maintained roadways. Through our coordination with Boone County, the Boone County Planning Commission routinely forwards us requests such as yours to note the Cabinet's comments and concerns as part of their normal procedure. In order to keep with their normal operating procedures and to honor their jurisdiction over the zoning process, KYTC will not be able to comment on the proposed expansion and zoning map amendment until comments are requested by the County. While we are unable to comment at this time, your letter is helpful in understanding the scope and intent of the future expansion and will be beneficial in developing our comments to Boone County.

Thank you again for contacting us. Please feel free to contact me should you have additional questions.

Thanks,

James A. Minckley, P.E.
Branch Manager – Engineering Support
KYTC District 6
859-341-2700
james.minckley@ky.gov

From: Yeager, Robert A (KYTC-D06) <Robert.Yeager@ky.gov>
Sent: Friday, March 31, 2023 10:55 AM
To: Minckley, James A (KYTC-D06) <James.Minckley@ky.gov>
Subject: FW: 2023.03.29 - Correspondence (NKY Aggregates)

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

From: Peck, Angie <apec@dbllaw.com>
Sent: Wednesday, March 29, 2023 11:08 AM
To: Yeager, Robert A (KYTC-D06) <Robert.Yeager@ky.gov>

Cc: Wolff, Loren, V. <lwolff@dbllaw.com>; Johnson, Madison <mjohnson@dbllaw.com>
Subject: 2023.03.29 - Correspondence (NKY Aggregates)

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Please see the attached correspondence.

Thank you,

Angie Peck
Receptionist

321 West Main Street Suite 2100
Louisville, KY 40202
Direct: (502) 630-1300
General: (502) 572-2500 Fax: (502) 572-2503
www.dbllaw.com / apecck@dbllaw.com



Cincinnati / Northern Kentucky / Louisville

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Writer's Direct:
Phone: (859) 426-2108
Fax: (859) 788-2011
Email: lwolff@dbllaw.com

March 29, 2023

Via Certified Mail & Electronic Mail

Kentucky Energy and Environment
Division of Water
Surface Water Permits Branch
ATTN: Amy Van Horne
300 Sower Blvd
Frankfort, KY 40601
Email: amyvanhorne@ky.gov

Re: Letter Providing Notice of New Project and Zoning Map Amendment

Dear Ms. Van Horne,

We represent Northern Kentucky Aggregates, Inc. ("NKY Aggregates") in its request for a Zoning Map Amendment to the Boone County Planning Commission. NKY Aggregates currently owns property commonly referred to as 3743 and 3869 Belleview Road, Petersburg, Kentucky 41080 for the operation of its mining and production facilities of sand and gravel ("Current Zoning Property") (*See Exhibit A*). NKY Aggregates plans to purchase the adjacent property located at 3989 Belleview Road, Petersburg, Kentucky 41080 ("Proposed Zoning Property") (*See Exhibit A, GIS Map*).

In conjunction with the acquisition of the Proposed Zoning Property, NKY Aggregates will be submitting an application for a Zoning Map Amendment of the Proposed Zoning Property. The Current Zoning Property is zoned Industrial Three ("I-3"). The Proposed Zoning Property is partially zoned I-3 (approximately 68%) and partially zoned Rural Suburban ("RS") (approximately 32%). In addition, a large portion of the surrounding area and adjacent parcels to the Proposed Zoning Property are zoned I-3, so the change will better align the Proposed Zoning Property with currently permitted uses in the area (*See Exhibit B, Zoning Map*).

Also attached is a draft site plan ("Site Plan") which identifies the proposed mining area on the Proposed Zoning Property (*See Exhibit C, Site Plan*).

This Zoning Map Amendment will permit NKY Aggregates to shift its mining operation from its Current Zoning Property to the Proposed Zoning Property. This will result in no change to the volume of mining that is currently being conducted. In addition, the traffic to Belleview

Ms. Amy Van Horne
May 1, 2023
Page 2 of 5

Road will not be impacted. In fact, NKY Aggregates plans to construct a conveyer system to transport the mined material from the Proposed Zoning Property to its existing production facilities located within the Current Zoning Property, as to eliminate any additional ingress or egress on Belleview Road.

We are providing this advance notice to alert of the planned use and to vet any potential issues with the proposed plan of the Current Zoning Property and the Proposed Zoning Property. Thank you in advance for your attention to this matter. Please contact me at the above telephone number and email.

Sincerely,

Loren Wolff
Dressman Benzinger LaVelle psc

Exhibit A
GIS Map



Current Mining Property

Owner: Northern Kentucky
Aggregate, Inc.

3743 Belleview Road
3989 Belleview Road

PIDN: 002.00-00-003.00
PIDN: 002.00-00-008.00
PIDN: 002.00-00-010.00
PIDN: 002.00-00-011.00
PIDN: 002.00-00-011.01
PIDN: 002.00-00-011.02

Proposed Mining Property

Owners: HITZFIELD TIMOTHY
WILLIAM & HITZFIELD DANIEL
LYNCH & HITZFIELD JOSEPH
GERARD & HITZFIELD NANCY

3989 Belleview Road

PIDN: 002.00-00-016.00

Exhibit B
Zoning Map



Exhibit C
 Site Plan

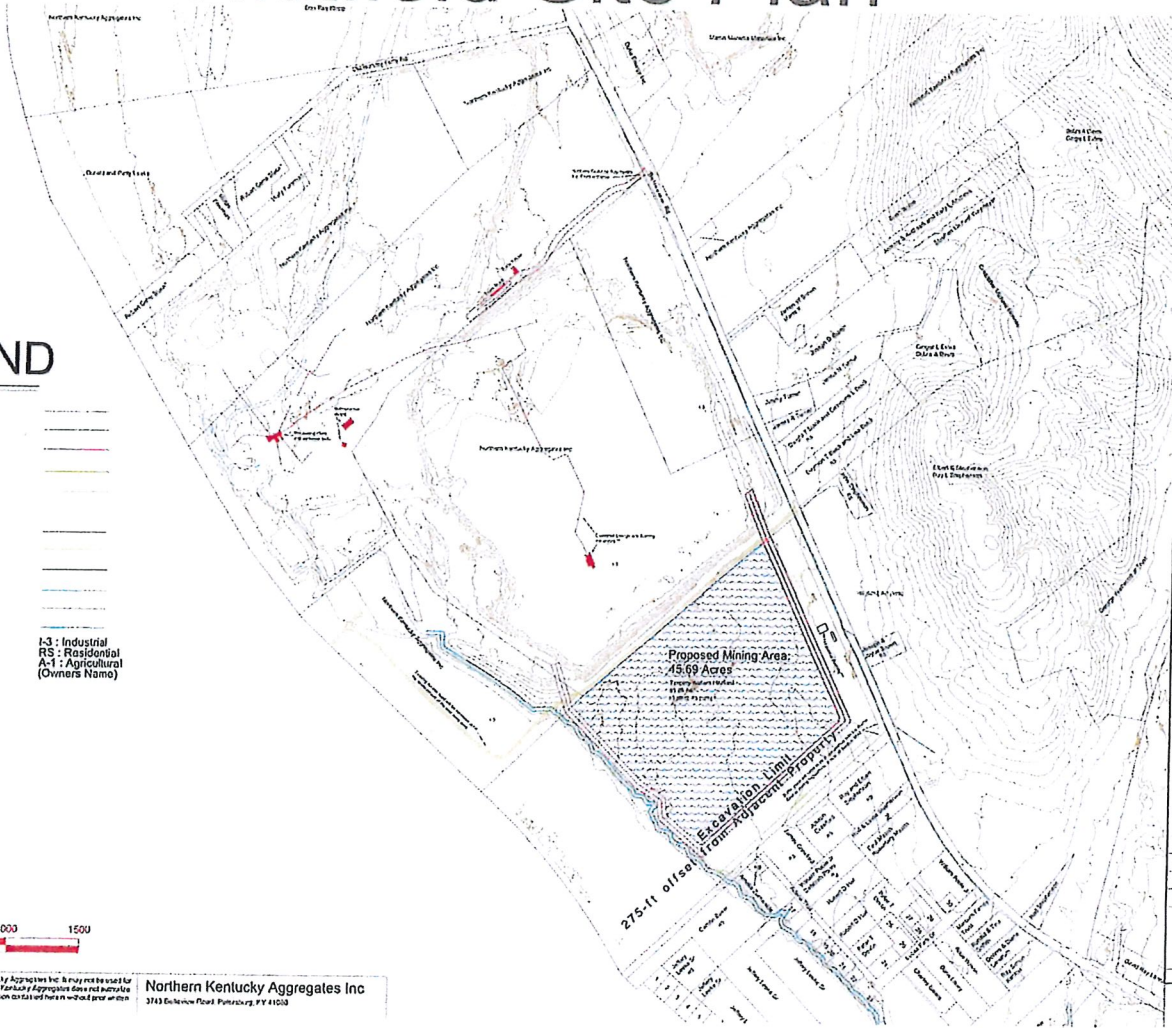
Hitzfield Site Plan



LEGEND

- Parcel Boundaries
- Proposed Mining Area
- Current Plant Location
- Vegetation Buffers
- Existing Access Road
- Proposed Access Road
- Proposed Berm
- Existing Plant cover
- Existing Structures
- Flood Plain Buffer (25-ft)
- Contours (10-ft)
- Existing Powerlines
- Zoning Labels

- I-3 : Industrial
- RS : Residential
- A-1 : Agricultural
- (Owners Name)



Date: 1/20/2023
File #:
Checked by:
Approved by - Date:
File Name:
If you are unable to view the drawing, please contact the author for assistance. The drawing is a scanned copy of a hard copy drawing. The drawing is not a computer-generated drawing. The drawing is not a computer-generated drawing. The drawing is not a computer-generated drawing.

Johnson, Madison

From: Van Horne, Amy (EEC) <Amy.VanHorne@ky.gov>
Sent: Thursday, March 30, 2023 10:23 AM
To: Peck, Angie
Cc: Wolff, Loren, V.; Johnson, Madison
Subject: RE: 2023.03.29 - Correspondence (NKY Aggregates)
Attachments: 2023.03.29 - Correspondence (NKY Aggregates) .pdf

Follow Up Flag: Follow up
Flag Status: Completed

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KYG840059

Angie,

Thank you for the information. Should adding this additional area require additional discharge locations, you will need to modify your current KPDES permit coverage. Let me know if you need anything else. I will place this in the file.

Thank you,
Amy

Amy Van Horne, P.E.

KY Division of Water
Stormwater Section Supervisor
300 Sower Blvd
Frankfort, KY 40601
(502) 782-7118
Amy.VanHorne@ky.gov

From: Peck, Angie <apec@dbllaw.com>
Sent: Wednesday, March 29, 2023 11:15 AM
To: Van Horne, Amy (EEC) <Amy.VanHorne@ky.gov>
Cc: Wolff, Loren, V. <lwolff@dbllaw.com>; Johnson, Madison <mjohnson@dbllaw.com>
Subject: 2023.03.29 - Correspondence (NKY Aggregates)

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Please see the attached correspondence.

Angie Peck
Receptionist
321 West Main Street Suite 2100
Louisville, KY 40202
Direct: (502) 630-1300

General: (502) 572-2500 Fax: (502) 572-2503
www.dblaw.com / apec@dblaw.com



Cincinnati / Northern Kentucky / Louisville

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Writer's Direct:
Phone: (859) 426-2108
Fax: (859) 788-2011
Email: lwolff@dbllaw.com

March 29, 2023

Via Certified Mail & Electronic Mail

Petersburg Fire Department
ATTN: Chief William E. Burke
3018 2nd Street,
Petersburg, Kentucky 41080
Email: petersburg@fuse.net

Re: Letter Providing Notice of New Project and Zoning Map Amendment

Dear Chief Burke,

We represent Northern Kentucky Aggregates, Inc. ("NKY Aggregates") in its request for a Zoning Map Amendment to the Boone County Planning Commission. NKY Aggregates currently owns property commonly referred to as 3743 and 3869 Belleview Road, Petersburg, Kentucky 41080 for the operation of its mining and production facilities of sand and gravel ("Current Zoning Property") (*See Exhibit A*). NKY Aggregates plans to purchase the adjacent property located at 3989 Belleview Road, Petersburg, Kentucky 41080 ("Proposed Zoning Property") (*See Exhibit A, GIS Map*).

In conjunction with the acquisition of the Proposed Zoning Property, NKY Aggregates will be submitting an application for a Zoning Map Amendment of the Proposed Zoning Property. The Current Zoning Property is zoned Industrial Three ("I-3"). The Proposed Zoning Property is partially zoned I-3 (approximately 68%) and partially zoned Rural Suburban ("RS") (approximately 32%). In addition, a large portion of the surrounding area and adjacent parcels to the Proposed Zoning Property are zoned I-3, so the change will better align the Proposed Zoning Property with currently permitted uses in the area (*See Exhibit B, Zoning Map*).

Also attached is a draft site plan ("Site Plan") which identifies the proposed mining area on the Proposed Zoning Property (*See Exhibit C, Site Plan*).

This Zoning Map Amendment will permit NKY Aggregates to shift its mining operation from its Current Zoning Property to the Proposed Zoning Property. This will result in no change to the volume of mining that is currently being conducted. In addition, the traffic to Belleview Road will not be impacted. In fact, NKY Aggregates plans to construct a conveyer system to transport the mined material from the Proposed Zoning Property to its existing production

Chief Burke
May 1, 2023
Page 2 of 5

facilities located within the Current Zoning Property, as to eliminate any additional ingress or egress on Belleview Road.

We are providing this advance notice to alert of the planned use and to vet any potential issues with the proposed plan of the Current Zoning Property and the Proposed Zoning Property. Thank you in advance for your attention to this matter. Please contact me at the above telephone number and email.

Sincerely,

Loren Wolff
Dressman Benzinger LaVelle psc

Exhibit A
GIS Map



Current Mining Property

Owner: Northern Kentucky
Aggregate, Inc.

3743 Belleview Road
3989 Belleview Road

PIDN: 002.00-00-003.00
PIDN: 002.00-00-008.00
PIDN: 002.00-00-010.00
PIDN: 002.00-00-011.00
PIDN: 002.00-00-011.01
PIDN: 002.00-00-011.02

Proposed Mining Property

Owners: HITZFIELD TIMOTHY
WILLIAM & HITZFIELD DANIEL
LYNCH & HITZFIELD JOSEPH
GERARD & HITZFIELD NANCY

3989 Belleview Road

PIDN: 002.00-00-016.00

Exhibit B
Zoning Map





Writer's Direct:
Phone: (859) 426-2108
Fax: (859) 788-2011
Email: lwoff@dbllaw.com

March 29, 2023

Via U.S. Mail & Electronic Mail

U.S. Army Corps of Engineers
Regulatory Division, Room 183
P.O. Box 59
Louisville, KY 40202-0059
Email: CELRL.Door.To.The.Corps@usace.army.mil

Re: Letter Providing Notice of New Project and Zoning Map Amendment

To Whom It May Concern,

We represent Northern Kentucky Aggregates, Inc. ("NKY Aggregates") in its request for a Zoning Map Amendment to the Boone County Planning Commission. NKY Aggregates currently owns property commonly referred to as 3743 and 3869 Belleview Road, Petersburg, Kentucky 41080 for the operation of its mining and production facilities of sand and gravel ("Current Zoning Property") (See Exhibit A). NKY Aggregates plans to purchase the adjacent property located at 3989 Belleview Road, Petersburg, Kentucky 41080 ("Proposed Zoning Property") (See Exhibit A, GIS Map).

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U.S. Army Corps of Engineers
March 29, 2023
Page 2 of 5

transport the mined material from the Proposed Zoning Property to its existing production facilities located within the Current Zoning Property, as to eliminate any additional ingress or egress on Belleview Road.

We are providing this advance notice to alert of the planned use and to vet any potential issues with the proposed plan of the Current Zoning Property and the Proposed Zoning Property. Thank you in advance for your attention to this matter. Please contact me at the above telephone number and email.

Sincerely,

Loren Wolff
Dressman Benzinger LaVelle psc

Exhibit A
GIS Map



Current Mining Property

Owner: Northern Kentucky
Aggregate, Inc.

3743 Belleview Road
3989 Belleview Road

PIDN: 002.00-00-003.00
PIDN: 002.00-00-008.00
PIDN: 002.00-00-010.00
PIDN: 002.00-00-011.00
PIDN: 002.00-00-011.01
PIDN: 002.00-00-011.02

Proposed Mining Property

Owners: HITZFIELD TIMOTHY
WILLIAM & HITZFIELD DANIEL
LYNCH & HITZFIELD JOSEPH
GERARD & HITZFIELD NANCY

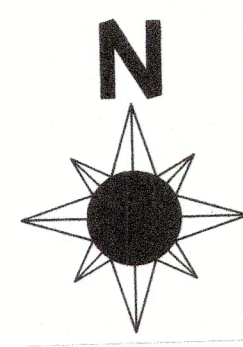
3989 Belleview Road

PIDN: 002.00-00-016.00

Exhibit B
Zoning Map



Hitzfield Site Plan



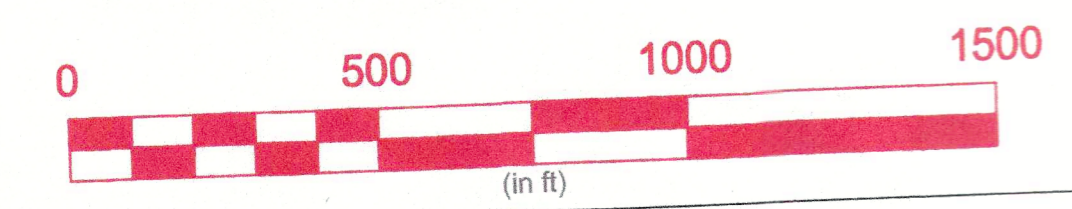
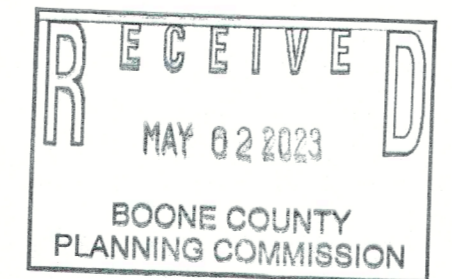
- 1- Irvin & Susan Ison
- 2- Steve Van Strien
- 3- Robert J Biedenharn
- 4- Robert J Biedenharn
- 5- Daniel B Wittenstrom
- 6- Joseph Jones
- 7- Matthew & Jennifer Kirby
- 8- Matthew & Jennifer Kirby
- 9- Jim & Lisa Couch
- 10- Richard and Dorothy Keller
- 11- Timothy Tope Sr
- 12- Mark J Siemer
- 13- Ronald Jack Benson & Jo Ann Benson
- 14- Tim & Linda Wilson
- 15- Cynthia Hall
- 16- Cynthia Hall
- 17- Jeffrey Leeke Sr
- 18- Jeffrey Leeke Sr
- 19- Timola Hall
- 20- Timola Hall
- 21- Timola Hall
- 22- Timola Hall
- 23- Robert J Young
- 24- Charles & Donna Isaacs
- 25- Charles & Donna Isaacs
- 26- Charles & Donna Isaacs
- 27- Cynthia Hall
- 28- Cynthia Hall
- 29- Myla & Scott Irvine
- 30- Jacob Wells
- 31- David Ray Lancaster
- 32- Brooke Bethany Stahl

LEGEND

- Parcel Boundaries
 - Proposed Mining Area
 - Current Plant Location
 - Current Drainage Ponds
 - Vegetation Buffers
 - Existing Access Road
 - Proposed Access Road
 - Proposed Berm
 - Existing Plant cover
 - Existing Structures
 - Flood Plain Buffer (25-ft)
 - Contours (10-ft)
 - Existing Powerlines
 - Water Drainage
 - Zoning Labels
- I-3 : Industrial
RS : Residential
A-1 : Agricultural
(Owners Name)

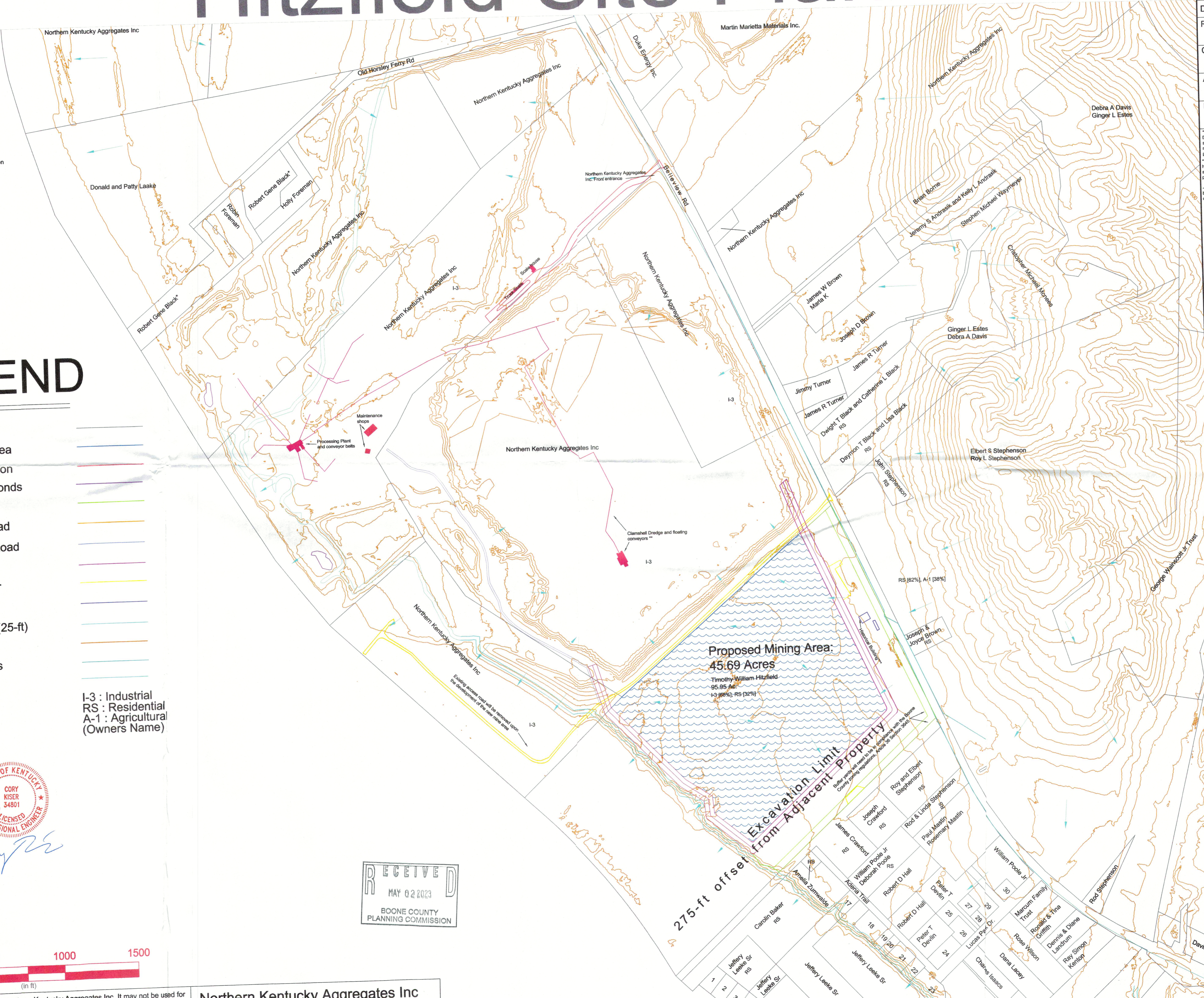


Cory Kiser



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Northern Kentucky Aggregates Inc
3743 Bellevue Road, Petersburg, KY 41080



Date: 1/20/2023
Ref # -
Checked by -
Approved by - Date
File Name -

** The current location of the Dredge and floating conveyors is subject to change and so may not match the current aerial photography
*** This building is classified as a historical building and will take special considerations in regards to potential removal
**** The total volume of the finished berm will require 45,000 cubic yards of material

Zoning Map AMENDMENT
APPROVED with Conditions
Staff M. Schwartz
Date 6/2/2023
Boone County
Planning Commission

Scale: 1" = 750'

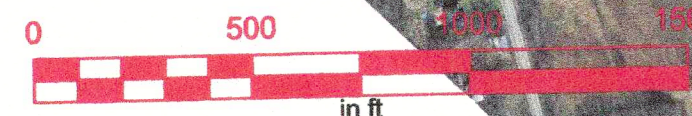
David Ray

Development Plan



LEGEND

- Proposed Dewatering
- Proposed Dewatering Ponds
- Proposed Mining Area
- Vegetation Buffer
- Existing Access Road
- Proposed Access Road
- Proposed Drive
- Falling Fall Power
- Flood Plain Buffer (25-4)
- Contours (10-2)
- Existing Powerlines



Northern Kentucky Aggregates Inc
 3743 Belleview Road, Petersburg, KY 41080

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Date: 11/21/2022

Ref # -

Checked by -

Approved by - Date

File Name -

*These two parcels are linked in the database as one parcel



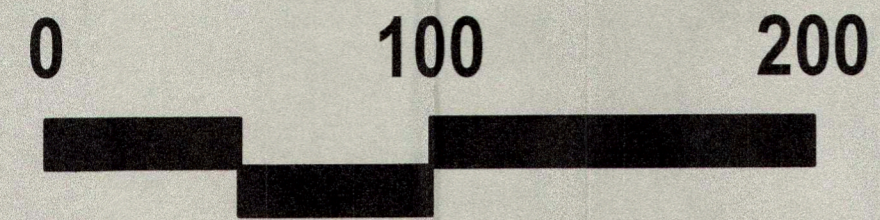
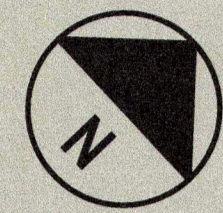
24" x 36"



EAST SIDE BUFFER PLAN
 PLANTING BUFFER
 NORTHERN KENTUCKY
 AGGREGATES INC.

BEAM
 DESIGNS

SHEET 2
 04/28/23



NEW NATIVE
 HARDWOOD
 CANOPY TREES

NEW NATIVE
 UNDERSTORY TREES

NEW NATIVE AND
 ADAPTIVE
 EVERGREEN TREES

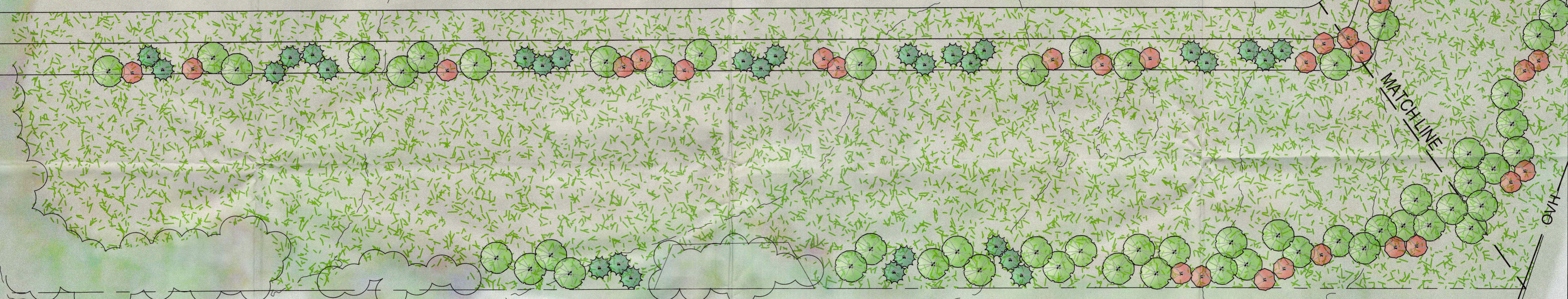
PRAIRIE GRASS
 SEEDING

RED MAPLE, SUGAR MAPLE, KENTUCKY COFFEETREE, TULIP POPLAR, SWEET GUM, RIVER BIRCH, SUGAR HACKBERRY, YELLOWWOOD, BLACKGUM, AMERICAN HOPHORNBEAM, SYCAMORE, WHITE OAK, SHINGLE OAK, PIN OAK, NORTHERN RED OAK, AMERICAN LINDEN

COCKSPUR HAWTHORN, SHADBLOW SERVICEBERRY, EASTERN REDBUD, FLOWERING DOGWOOD

EASTERN WHITE PINE, VIRGINIA PINE, BALD CYPRESS

LITTLE BLUESTEM, SWITCH GRASS, PRAIRIE DROP SEED, WILDFLOWERS, ETC.



Amelia Zumwalde

RS

RS

James Crawford

Joseph Crawford

RS

Roy and Elbert Stephenson

RS

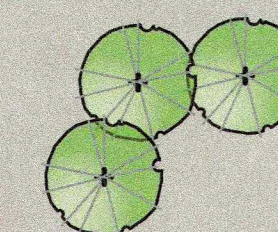
Red & Linda Stephenson

H/O
 H/O
 H/O

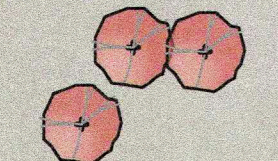
RS [62%], A-1

Joseph &
Joyce Brown
RS

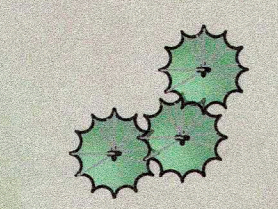


 NEW NATIVE
HARDWOOD
CANOPY TREES


RED MAPLE, SUGAR MAPLE, KENTUCKY COFFEETREE, TULIP POPLAR, SWEET GUM, RIVER BIRCH, SUGAR HACKBERRY, YELLOWWOOD, BLACKGUM, AMERICAN HOPHORNBEAM, SYCAMORE, WHITE OAK, SHINGLE OAK, PIN OAK, NORTHERN RED OAK, AMERICAN LINDEN

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 NEW NATIVE AND
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 PRAIRIE GRASS
SEEDING

LITTLE BLUESTEM, SWITCH GRASS, PRAIRIE DROP SEED, WILDFLOWERS, ETC.

BELLEVUE ROAD PLAN
PLANTING BUFFER
NORTHERN KENTUCKY
AGGREGATES INC.

Area:

BEAM
DESIGNS

SHEET 3
04/28/23

