

ZONING MAP AMENDMENT BOONE COUNTY PLANNING COMMISSION

REVISED

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

1. Name of Project Boone C & D
2. Location of Project 1122 Stephenson Mill Road Walton, KY 41094
3. Total Acreage of Site 18.15
4. Current Zoning of Site A2
5. Proposed Zoning (Classification being requested) A1
6. Proposed Uses (please specify each use)
Construction and Demolition Debris Landfill
7. Names of Applicant(s) Whitton Trucking
Phone Number (513) 921-4011 Fax No. _____
8. Address of Applicant(s) 1478 Fitzpatrick
Cincinnati Ohio 45204
City State Zip
9. Name of Property Owner(s) See Attached Page
Phone Number _____ Fax No. _____
10. Address of Property Owner(s) _____
City State Zip
11. Proposed Building Intensities (please specify) _____
12. Are there any existing buildings on the site? Yes
How many? 2
13. Deed Book: 503 Page No. 116 Group No. 2077A
14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
 Boone County Water and Sewer District
 Florence Water and Sewer Commission
 Union Light Heat and Power
 Cincinnati Bell
 Owen County Rural Electric
 Boone County Public Works Department
 Kentucky Transportation Cabinet
 City of Florence Public Services Department
 Boone County Building Department

(over)

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

REVISED

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

(Check One)

1. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

2. Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____

3. Applicant's Name Whitton Trucking
Phone Number (513) 921-4011 Fax No. _____
Applicant's Address 1478 Fitzpatrick
Cincinnati Ohio 45204
City State Zip

4. Description of Request: Change the zoning of the land from A2 to A1
with a Conditional Use Permit

5. Name of Development Boone C & D

6. Location of Development 1122 Stephenson Mill Road
Walton, KY 41094

7. Acreage Under Review 18.15

8. Lot Number and Name of Subdivision (if part of a subdivision)
Map 66, Lots 15A

9. Owner of Property Denise Black

Phone Number of Owner See Attached Page

10. Address of Property Owner _____
City State Zip

11. Proposed Use(s) on Site Construction and Demolition Debris Landfill

12. Total Square Footage of Existing and/or Proposed Buildings _____

13. Current Zoning on Property A2

14. Deed Book 503 Page No. 116 Group No. 2077A

15. Is the site subject to a zone change? _____
If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? Yes

17. Have you submitted a list of adjoining property owners with this request? Yes

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Jamie J. Whitton

Property Owner's Signature: Denise Black

(over)

EXHIBIT "A"

STAFF REPORT

Request of Whitton Trucking (applicant) for Denise Black, Raymond Reeves, Ricky Lee Stephenson (owners) to consider a Zoning Map Amendment and a Conditional Use Permit for a 41 acre tract located at 1122 Stephenson Mill Road, Boone County, Kentucky. The request is for a zone change from Agricultural Estate (A-2) to Agriculture (A-1) and a Conditional Use Permit to allow a construction and demolition debris landfill.

June 25, 1997

Location

The site is located between I-71 and Stephenson Mill Road at 1122 Stephenson Mill Road in unincorporated Boone County, Kentucky (see Location Map).

History

The Department for Environmental Protection Division of Waste Management finds that part of this site, although the exact boundaries cannot be determined, was part of an old landfill that was closed approximately 30 years ago. An Environmental Inspector from the Department for Environmental Protection Division of Waste Management, Ray Prater, inspected the site but saw no visible evidence of the landfill or pollution caused by it. One (1) construction and demolition debris landfill exists in Boone County known as Bellevue Sand and Gravel.

Request/Concept Development Plan

The applicant is proposing to rezone the 41 acre tract of land from Agricultural Estate (A-2) to Agriculture (A-1) and is requesting a Conditional Use Permit to allow the development of a construction and demolition landfill. A Concept Development Plan has been submitted (see Appendix A - Concept Development Plan).

The proposed landfill will contain debris generated from the construction of new homes containing any of the following: wood, roofing material, insulation, carpet, pipe, plaster, paper, brick and mixed rubble. It may also contain demolition debris which results from tearing down houses, roads and buildings including concrete, steel, mixed rubble, asphalt, earth, trees, brush, sand, plaster and stone. After the landfill is complete, the applicant is proposing further use of the land including hiking, horseback riding and nature trails. The applicant states that open spaces will be part of the final landscape and design of the site and that certain forested areas and open areas will be maintained. A detailed description of construction and demolition debris is located in the information packet section of the submitted Concept Development Plan.

The applicant proposes two (2) phases to the project. The first phase, which is already acquired by Whitton Trucking, will be accessed from an existing driveway that extends northeast from Stephenson Mill Road. The second phase, which is not yet acquired by the

applicant, will also utilize an existing driveway. The applicant claims that the old landfill, which existed 30 years ago, is located on phase II of the property, and acquisition of this property is not necessary for completion of Phase I of the project.

The applicant also indicates the following: no impervious streets will be added to the site, instead, present abandoned county roads, entrances, and roadways will be utilized and made impervious; truck parking and auto parking areas will be located near the work site and will be paved and made impervious and; an existing house will be initially used as an office and in the future, a small office and weighing scales will be built on the site.

The applicant proposes to change some of the topography of the site by filling portions of the hollow areas which will cause some increase in the elevations, but states that the proposed changes will blend in with the existing topography. Information regarding soil types is contained in the submitted Concept Development Plan. Regarding drainage, the applicant states that the site is well drained containing two (2) ponds which utilize the natural drainage patterns to McCoy's Fork Creek which runs parallel along Stephenson Mill Road.

RNK Environmental, Inc. personnel conducted a traffic flow analysis which is located in the information packet section of the submitted Concept Development Plan. The applicant addresses transportation patterns and states that the current flow of traffic continuing onto Stephenson Mill Road from the Walton/I-75 interchange is light consisting of only that traffic which enters into the Atlas Concrete Mix Company located approximately one (1) mile east of the site in question. RNK Environmental, Inc. concluded that a modest flow of trucks to this potentially re-zoned area would not disturb the existing flow patterns or alter the Stephenson Mill route in any distinguishable way and further made recommendations on how to reduce the congestion of traffic at the I-75 and Stephenson Mill Road Interchanges. The applicant stresses the need for a construction and demolition landfill in the area due to the rapid rate in which Boone County is growing.

Zoning of Site and Surrounding Properties (see Zoning Map)

The entire site, and land located to the east, west and south, is zoned Agricultural Estate (A-2). The A-2 zone principally permits a variety of agricultural uses and single-family dwelling units. The purpose of the A-2 zone district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.

Land located to the north of the site across Interstate 71 (I-71) is zoned Agriculture (A-1). The A-1 zone also principally permits a variety of agricultural uses and single-family dwelling units as well as mobile homes. The purpose of the A-1 zone is to preserve and protect the supply of productive agricultural lands and open space, primarily for non-urban uses. The applicant requests the A-1 zone which permits, as a conditional use, dumps and landfills for non-combustible materials including sanitary landfills.

Section 262 - General Standards Applicable to All Conditional Uses - of the Boone County Zoning Regulations states the following regarding Conditional Uses permits:

In addition to any specific requirements for conditionally permitted uses deemed appropriate by the Board of Adjustment and Zoning Appeals, the Board (in this case the Boone County Planning Commission) shall review the particular facts and circumstances of each proposed use and determine that the use is in fact a conditional use as established under the provisions of this zoning order. The Board (Planning Commission) may consider whether such use at the proposed location (1) will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or zoning order; (2) will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area; (3) will be hazardous to existing or future neighboring uses; (4) will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse or disposal, water and sewer, and schools, or that persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services; (5) will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community; (6) will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors and; (7) will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Section 613 - Conditional Use and Criteria - of the Boone County Zoning Regulations states that the list of conditional uses, including dumps and landfills, are permitted in the A-1 zone as a conditional use provided that:

The activity is an integral part of the agricultural use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; the activity is necessary to provide the specified public service for the character of the activity does not overpower, transcend or conflict with the principal purpose of the district; and provided the arrangement of use, building or structure, is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Existing Land Uses

- North: North of the site is Interstate 71 (I-71). Beyond it is vacant land, land used for agriculture purposes and the Bavarian Landfill which is a sanitary landfill and municipal solid waste recycling area.
- South: South of the site exists several single-family dwelling units including some which were recently built, vacant land and land used for agricultural purposes.
- East: East of the site is Kate's Acres which is a recently developed single-family residential neighborhood.
- West: West of the site exists several single-family dwelling units, vacant land and land used for agriculture purposes.

Site Characteristics (see Aerial Photo)

The site in question contains one (1) single-family residential dwelling with several out buildings, one mobile home, and two (2) farm ponds. The majority of the site is wooded containing several cleared pastures. Current access into the site is gained through two (2) existing driveways off of Stephenson Mill Road. The topography of the site is relatively hilly especially along Stephenson Mill Road and then flat along the expressway (see Topography Map).

The site is serviced by an existing water line along Stephenson Mill Road but is not serviced by sanitary sewer.

Relationship to the Comprehensive Plan

The 2020 Land Use Plan Map of the 1995 Boone County Comprehensive Plan identifies the southern portion of the site, including Stephenson Mill Road and one of the driveways that provides access into the site, as Developmentally Sensitive. The Developmentally Sensitive land use classification is defined as:

Areas that have an existing slope of twenty percent (20%) or greater for a height of twenty (20) meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character. In addition, Developmentally Sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project. The land use priority for areas designated Developmentally Sensitive is preservation of the existing environment, as

opposed to development of the land. This shall act as a guideline for any project proposed in Developmentally Sensitive areas; specific sites designated as Developmentally Sensitive require more detailed inventories of slope, wildlife habitat, vegetation, and other possible physical constraints as part of the development plans.

A northern section of the site, along Interstate 71 (I-71), is identified as Suburban Density Residential. The Suburban Density Residential land use classification is defined as, "Single-family housing of up to four (4) units per acre."

The 2020 Land Use Plan Map identifies the southern portion of the site, along Interstate 71 (I-71), as Rural Land which is defined as, "Wooded, Agricultural, recreational, or low density residential uses of up to one (1) dwelling unit per two (2) acres for the 25 year land use plan."

North of the site, including Interstate 71 (I-71) and the Bavarian Landfill, is land identified as Industrial which is defined as, "Manufacturing, wholesale, warehousing, distribution, assembly, mining and terminal uses."

Objectives #2, #3 and #5 of the Environmental Goals and Objectives Section, on page 5, of the 1995 Boone County Comprehensive Plan state the following:

2. New development or redevelopment shall attempt to design the site utilizing existing topography and encourage the preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that a site's existing physical assets are used beneficially where possible.
3. Developmentally sensitive areas and scenic areas shall be identified and mapped and minimum standards shall be established for the preservation and restoration of these areas. Developments that are proposed in any of these areas shall be carefully reviewed according to these standards to assure negative environmental impacts are minimized.
5. Developmentally Sensitive hillsides in Boone County must be given special consideration. The preservation of these hillsides is a primary objective, and any proposed development on hillsides designated Developmentally Sensitive shall be carefully reviewed to insure potential impacts are minimal and the environmental integrity of the hillsides is maintained.

The Housing Goal of the Housing Goals and Objectives Section, on page 8, of the 1995 Boone County Comprehensive Plan states that, "Safe, decent, environmentally sound, and sanitary housing exists for all Boone County residents."

Objective #11 of the Transportation Goals and Objectives Section, on page 13, of the 1995 Boone County Comprehensive Plan state that, "Priority shall be given towards maintaining, protecting and improving the existing road system".

The Environmental Element, on page 36 and 37, of the 1995 Boone County Comprehensive Plan states the following regarding surface drainage of stream tributaries, "Runoff from land uses sited close to a stream's natural drainage channel can irrevocably contaminate a stream's purity, fill stream channels with sediment, cause flooding and erosion, and destroy the aquatic and animal life balance, thereby permitting uncontrolled algae and bacteria development."

The Environmental Element, on page 41, of the 1995 Boone County Comprehensive Plan states the following regarding erosion and other hazards, "Other factors contributing to erosion hazard at lower slope percentages include the absence of tree and ground cover, shallow depth to bedrock, low permeability, and shallow surface drainage channels. Erosion from improperly modified slopes often disrupts natural drainage channels, pollutes surface water runoff, and causes mudslides."

The Environmental Element, on page 45, of the 1995 Boone County Comprehensive Plan states the following regarding woodlands, "While it is important to preserve the wooded areas in the less developed areas of the County, it is even more imperative to protect the scattered vegetation remaining in the urbanized portions of the County, and along major public roadways for both functional and aesthetic reasons."

The Housing Element, on page 110, of the 1995 Boone County Comprehensive Plan states the following regarding future housing development in the Walton-Verona Area:

This area is not projected to gain much population in the next ten (10) years, although existing water supply and interstate accessibility to Florence and Georgetown has spurred some subdivision activity in the Verona area during 1987 and 1988. This area lies relatively far from any urbanized sections of the county, and will continue to have a strong agricultural character... Walton has annexed several areas north and west of the city to provide public water service and has begun to experience subdivision development. This includes areas west of I-75 which could experience subdivision development."

The 1995 Boone County Comprehensive Plan does not identify Stephenson Mill Road as a deficient roadway based on lane capacity nor is it recommended as needing improvement.

The Future Land Use Development Guidelines, on page 210, of the 1995 Boone County Comprehensive Plan states the following regarding buffering:

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; 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 greenbelts and open space within developments and between developments.

The Future Land Use Development Guidelines, on page 211, of the 1995 Boone County Comprehensive Plan states the following regarding landscaping:

Developments along major roadways in Boone County must include landscaping and/or the use of berms 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.

The Future Land Use Development Guidelines, on page 211, of the 1995 Boone County Comprehensive Plan states the following regarding transportation and pedestrian network, "Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions."

The 1995 Boone County Comprehensive Plan identifies the site as part of the Beaverlick area and states the following:

Any growth in this section should be minimal and Rural Density Residential in character. Much of the land around Mud Lick Creek and its tributaries is Developmentally Sensitive and should not experience any growth. This section also contains the Bavarian landfill site. The landfill should not expand to the south because of McCoy's Fork Creek and should not expand to the north in order to avoid additional impacts on existing residential uses.

The 1995 Boone County Comprehensive Plan identifies the area to the west of the site as part of the Walton Area and states the following:

The area south of I-71 and Beaver Road, and west of I-75 to Stephenson Mill Road is suitable for light industrial development; access to this industrial area should connect to Beaver Road and Stephenson Mill Road. Urban Density Residential is appropriate to act as a transition between the Suburban Residential and Industrial uses along Stephenson Mill Road. However, before these areas develop, improvements to Stephenson Mill and Beaver Roads will be necessary. In addition, improvements to the intersection of these two roads and the interstate will also be necessary. Suburban Residential will be appropriate to the west of Stephenson Mill Road if the utilities are extended into this area.

Relationship to the Boone County Transportation Plan

The Boone County Transportation Plan indicates that the section of Stephenson Mill Road, where the request is proposed, as having a volume/capacity ratio where "the roadway may be approaching capacity and consideration may be given to improvement. However, the need is not immediate."

The Boone County Transportation Plan further concludes that Stephenson Mill Road is not listed for individual committed roadway projects nor for initial future roadway improvements. However, the Transportation Plan does recommend improvements at the intersection of Stephenson Mill Road and Beaver Road and at the I-75 ramps to Marry Grubs Highway.

Staff Concerns and Comments

1. Land Use

The proposed zone change from Agricultural Estate (A-2) to Agriculture (A-1) is not in conformance with the 2020 Land Use Plan Map of the 1995 Boone County Comprehensive Plan which identifies portions of the site as Developmentally Sensitive, Suburban Density Residential and Rural Land. Staff believes that landfills fit into the Industrial land use classification. The existing Bavarian Landfill, located north of the site in question, is identified on the 2020 Land Use Plan Map as industrial.

Staff finds that the Beaverlick area is primarily a residential and agricultural area. Although the proposed landfill may not contain the same material as the existing Bavarian Landfill, it would affect neighboring residential and agricultural properties because of its location. It would also be publicly viewed by interstate travelers.

2. Transportation

Staff believes that the truck traffic from this proposed development will deteriorate Stephenson Mill Road and cause potential traffic and pedestrian hazards. Staff finds that Stephenson Mill Road is narrow causing vehicles to use a part of the shoulder when passing opposing traffic. Furthermore, Stephenson Mill Road contains limited sight distance around turns and over hills. The 1995 Boone County Comprehensive Plan does not identify Stephenson Mill Road as a deficient roadway based on lane capacity nor is it recommended for needing improvement. If the Boone County Fiscal Court were to approve this proposed zone change, staff feels that Stephenson Mill Road would be a deficient roadway and would need improvement.

Staff feels that increased truck traffic on Stephenson Mill Road, which is already designated as "no through truck traffic", would be dangerous to the existing residents who live along the road. It would be a dangerous situation to allow truck traffic on this type of road where pedestrians walk and school buses provide service.

3. **Storm water Runoff**

Staff feels that due to the topography of the site, storm water from the proposed landfill may reach the blue line stream located south of the site along Stephenson Mill Road which empties into McCoy's Fork Creek. Although the proposed construction and demolition debris land fill may or may not contain contaminants that would be harmful to streams or wildlife, this site was part of an older sanitary landfill and disturbance to this land may be detrimental to the surrounding area. The Department For Environmental Protection Division of Waste Management, as well as Joel Legris, District Conservationist, share the same concern of grading on the site and the possibility of contamination.

Staff feels that some ground cover and woodlands will be destroyed by the applicant's proposed use of the site. This may cause such problems as mudslides and surface water pollutants as listed in the Environmental Element of the 1995 Boone County Comprehensive Plan.

4. **Buffering**

Staff feels that if the Boone County Fiscal Court approves this zoning map amendment, a buffer along Stephenson Mill Road and I-71 is critical not only for aesthetic reasons but for nuisance reasons as well. Staff is concerned about the noise from trucks dumping their materials, and although that applicant has not addressed the issue of burning on the site, the surrounding area already suffers from noise, smoke and odor from the existing Bavarian Landfill. Staff feels that no matter what type of buffering measures are used, some noise and odor will reach the nearby residential area.

5. **Conditional Use Permit Review**

Staff finds that the proposed conditional use does not meet the criteria in Section 262 - General Standards Applicable to All Conditional Uses - of the Boone County Zoning Regulations due to the following reason:

- a. The proposed landfill use is not harmonious with and is not in accordance with the general objectives, or with any specific objective of the County's comprehensive plan;
- b. The proposed landfill use is not harmonious nor appropriate in appearance with the existing or intended character of the general vicinity and would change the essential character of the same area;
- c. The proposed landfill will be hazardous to existing or future neighboring uses due to the truck traffic;

- d. Stephenson Mill Road would not adequately serve the proposed truck traffic into the site;
- e. Improvements to Stephenson Mill Road would require additional public cost;
- f. The proposed use does involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of the excessive production of traffic and noise and the possibility of smoke, dust, fumes and odors and;
- g. The sharing between truck traffic and vehicular traffic including school buses would create an interference along Stephenson Mill Road.

Staff finds that the proposed conditional use does not meet the criteria in Section 613 - Conditional Use and Criteria - of the Boone County Zoning Regulations because the proposed landfill activity is not integral part of the agricultural use of the land and the activity will detract and conflict with the principal purposes of the district which are agricultural and residential.

Conclusion

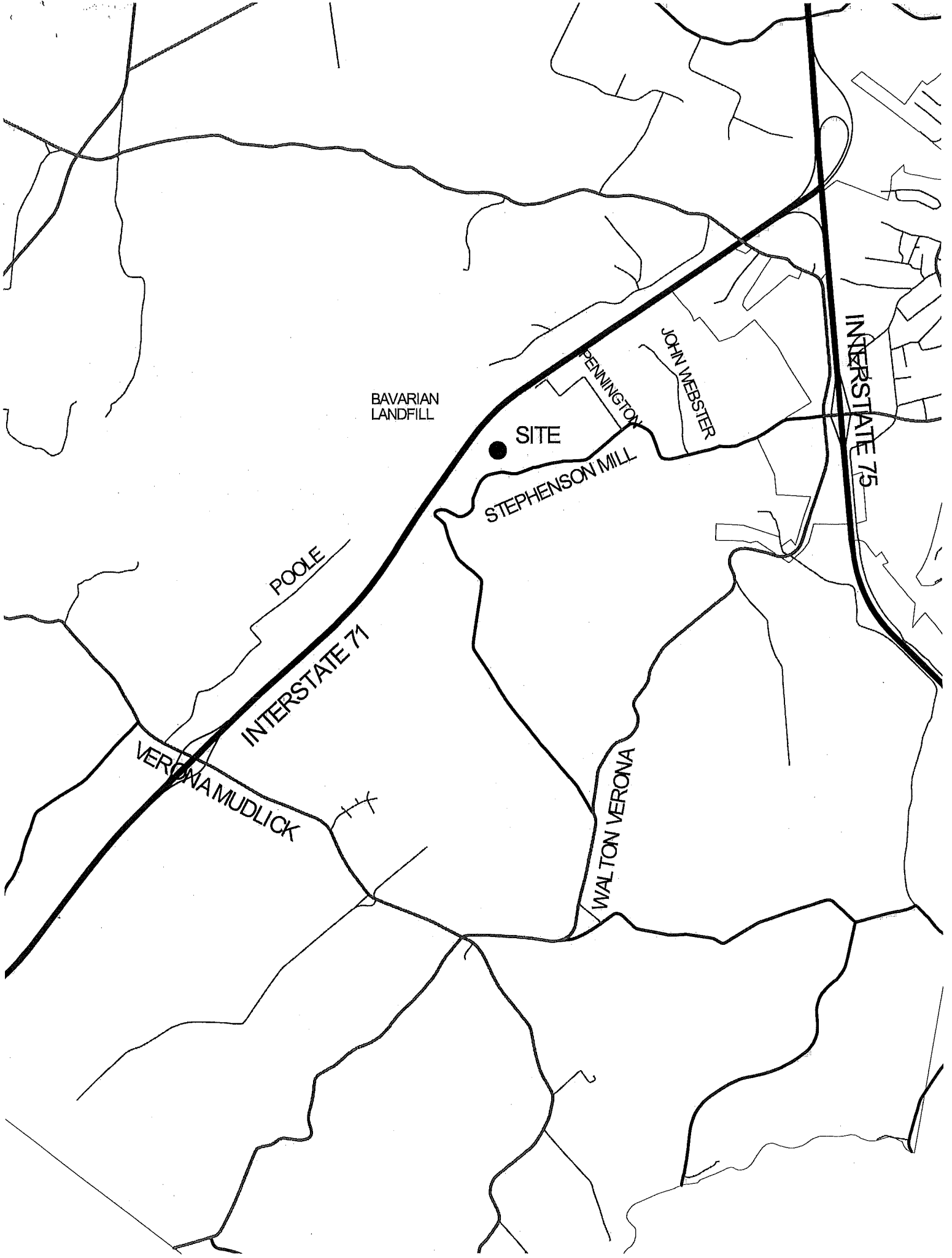
Should the Planning Commission recommend, and the Boone County Fiscal Court approve this request for a Zoning Map Amendment, the 1995 Boone County Comprehensive Plan's Future Land Use Map will need to be changed to reflect the industrial use.

Respectfully Submitted,



John Huth
Planner

JH\par



BAVARIAN
LANDFILL

SITE

STEPHENSON MILL

PENNINGTON

JOHN WEBSTER

INTERSTATE 75

POOLE
INTERSTATE 71

VERONA MUDLICK

WALTON VERONA

ZONING MAP

A-1

FATH DR.

500'/MILE

500'/MILE

732
702
497
887
472
13561

12597
12621
12833
14450
12670

12764
12750
12754
12758

RD.

5 PENNINGTON
KATE'S
500'/MILE

A-1

MCCOYS FORK

A-2

A-2

Fork

RD.

1083
1094
1001
1005
956
1036
1028
RD.

1167

MCCOYS

A-2

1464
1279
1275
1531
1527

310
E

AERIAL PHOTO

KATE'S ACRES

BAVARIAN LANDFILL

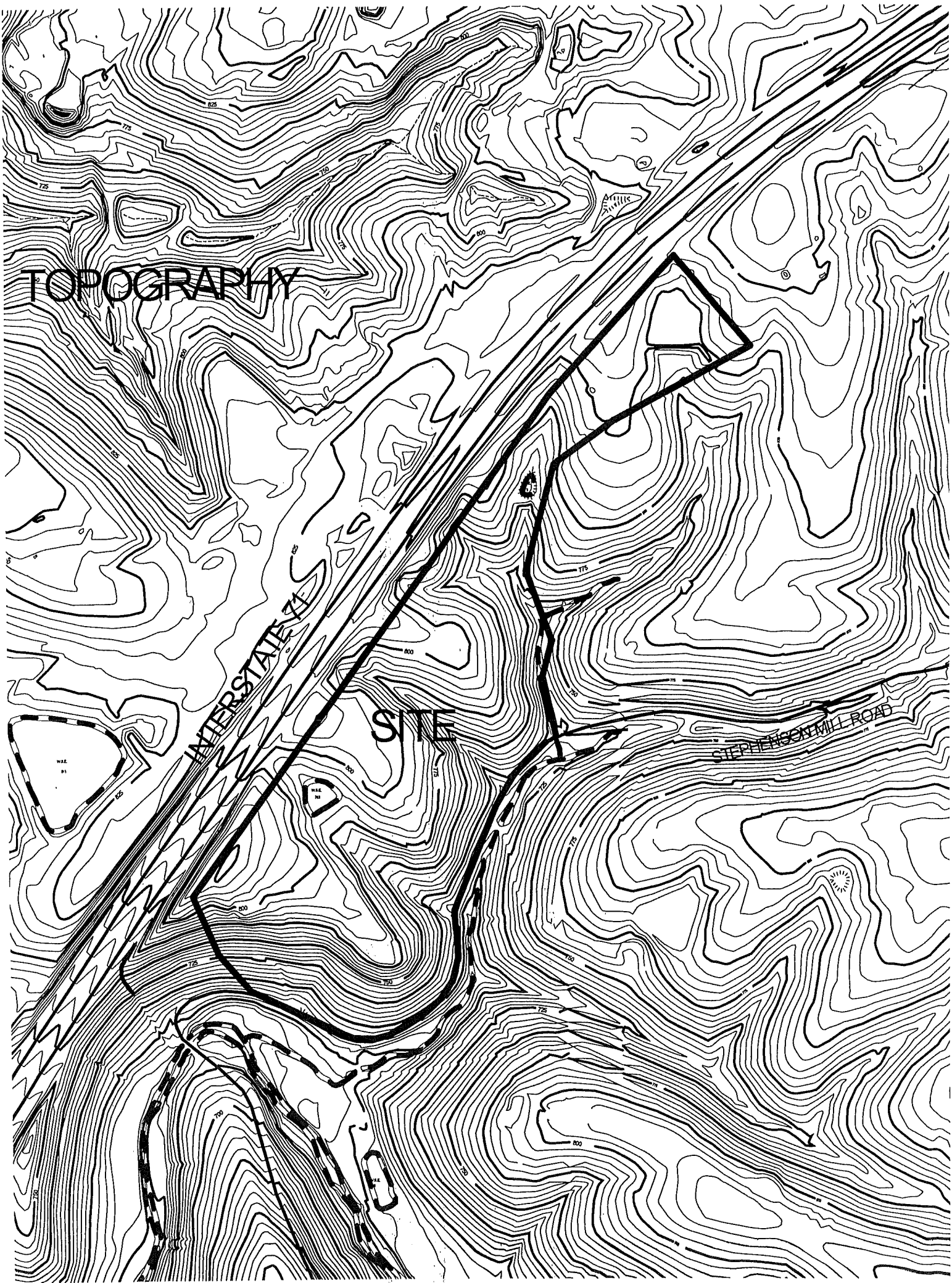
INTERSTATE 77

SITE

STEPHENSON MILL ROAD



TOPOGRAPHY



INTERSTATE 71

STEPHEN MILL ROAD

APPENDIX A

CONCEPT DEVELOPMENT PLAN

Application

Zoning Change from A-2 to A-1 for Boone C & D
Property on Stephenson Mill Road

by

RNK Environmental, Inc.
2645 Crescent Springs Road
Erlanger, KY 41017

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1.0 General Site Characteristics

Property for the proposed project is typical rolling Boone County farmland similar to that found in the general vicinity of Walton, Kentucky. Cleared pastures, garden plots, tobacco fields, and patches of secondary timber are scattered around. The area is well drained with no wetlands except for two farm ponds. These two ponds will discharge intermittently as a function of precipitation to existing gullies. Water flows to McCoy's Fork Creek from this property and the I-71 expressway adjacent to this property.

1.1 Ownership

Property for Phase I of the planned C & D site has been acquired by Whitton Trucking, Inc. from the present owner, Denise Black. Discussions continue with Raymond Reeves, owner of the property planned for Phase II of the project. An offer to purchase the Reeves' property has been made, but the property has not been acquired at this time. However, Mr. Reeves is in favor of the planned zone change from A-2 to A-1. Acquisition of the Phase II property is not absolutely necessary for completion of the Phase I part of the planned project.

1.2 Topography

The topography of the proposed site is gently rolling

along the Interstate U.S. I-71. Elevations start at approximately the same value as the expressway and then drop off in a southeasterly direction towards Stephenson Mill Road and McCoy's Fork Creek. There are no extremely noticeable land features on the property. There are two farm ponds and a raised mound over an outside cellar next to the existing farm house on the Phase I property. There are typical flat tobacco patch and garden areas and drainage hollows on the site. Both farm ponds have upstream drainage areas of 5(±) acres or so. Proposed changes in topography will result in filling some of the hollow areas and some increase in the elevations, but the proposed changes will blend in with the existing topography.

1.3 Soils

Soil at the site is typical of the Boone County area where the site is located. A typical analysis shows 47.4% clay, 42.1% silt, and 10.5% sand. This soil is called a highly weathered shale with a USCS soil classification as ML. A recompacted soil sample permeability was 8.2×10^{-9} cm/sec. This indicates the soil can be compacted to permeability or construction values satisfactory for the intended project.

1.4 Drainage

Basically, the site is well drained with no wetlands or

ponded areas except where farm ponds have been constructed by construction of an earthen dam at a point at right angles to the flow channel in one of the natural drainage hollows. Drainage and overflow from these two ponds follows the natural drainage pattern to McCoy's Fork Creek along Stephenson Mill Road to the east and south of the property.

1.5 Vegetation

Vegetation in the area is typical of the Boone County-Walton area. Grasses in pastures are Kentucky bluegrass, fescue, rye, clover, and others. Trees consist mainly of various species of maples, oaks, locusts, walnuts, hickories, sycamores, hackberry, ash, catalpa, etc., etc. Thickets of blackberry and osage orange abound. Wild grape vines and other vines entangle the bushes in some of the thickets. Over fifty percent of the Black property is cleared. The farm house has a large grassed area that has been kept mowed. Some of the pasture hasn't been bush hogged in a while. There is nothing unusual about the vegetation in the area. Side slopes along I-71 are kept mowed by Kentucky Highway Department personnel or contractors.

1.6 Other Physical Characteristics

The site lies generally between I-71 and Stephenson Mill Road. When I-71 was constructed through the area,

parts of the properties of the existing owners were split into parts. Part of the Phase II property at this site is a part of the old Walton landfill, which was closed in 1967. Presently, the Bavarian Sanitary landfill lies on the other side of I-71 in this area.

2.0 Transportation Patterns

The main route by which the Boone C & D trucks will enter Stephenson Mill Road is via I-75. Trucks exiting by the north or south exits will head west to Stephenson Mill Road. At the main intersection of Stephenson Mill Road and Walton-Verona Roads is a Flying J Travel Plaza. The majority of the traffic exiting onto Stephenson Mill Road turns left on Walton-Verona Road into the Flying J (see Appendix). A substantial amount of traffic turns right onto Beaver Road towards the Clarion Corporation and Industrial Park. The traffic continuing on Stephenson Mill Road is relatively light, consisting of construction vehicles and cars.

The traffic number totals included three distinct patterns. The first pattern details the "rush hour" periods of increased traffic flow: 8 A.M.-9 A.M. and 3 P.M.-4 P.M. Secondly, due to the truck plaza's location on I-75 and near I-71, the flow of traffic from 8 A.M. to 12 P.M. is fairly constant. Finally, the lunch time traffic (11 A.M.-1 P.M.) is heavier due to the truck plaza and Thad's restaurant.

The flow of traffic continuing on Stephenson Mill Road toward the potentially re-zoned property is very light. The only truck traffic on Stephenson Mill Road beyond the truck plaza is that of the Atlas Concrete Mix Company. Random construction vehicles were also noted on Stephenson Mill Road.

2.1 Public Roads

The Boone C & D trucks will exit from I-75 onto the Walton exit ramps and head west on Stephenson Mill Road. Boone C & D trucks will enter the exit from both the north and south bound ramps, once on Stephenson Mill Road, the Boone C & D trucks will continue for approximately 2 miles until they reach the Black property at 1122 Stephenson Mill Road.

2.2 Private Roads

The primary access road to the facility will be an abandoned county road on the Black property. This road connects to Stephenson Mill Road at the base of the Black property. In Phase I of this project, this will be the access road used by all of Boone C & D's vehicles.

2.3 Internal Circulation Pattern

The abandoned county road on the Black property will lead to the first working cell by the old farmhouse. From

this cell, the excavation will continue in a southwesterly pattern. Phase I will continue throughout the Black property before progressing into Phase II on the Reeves property.

2.4 External Circulation Pattern

Boone C & D trucks will enter the Walton vicinity from I-71, I-75 northbound, and I-75 southbound. A direct route from the exit onto Stephenson Mill is possible from both I-75 directions. Once on Stephenson Mill Road, Boone C & D vehicles can continue to the facility by heading west.

3.0 Land Use Characteristics

Presently, the area of the proposed project is typical Boone County, sparsely populated, rural area used for a combination of small tobacco farms with some livestock. Public water supply has recently been added along Stephenson Mill Road by the Bullock Pen Water District. A sanitary landfill occupies adjacent property on the opposite side of I-71.

3.1 Existing Land Uses

Part of the existing land is used for growing tobacco. Part is used for grazing livestock such as cows and horses. Some of the land is used for buildings such as houses, barns, garages, storage sheds, trailers, and various other

kinds of small storage structures. There are no large structures in the area. Timber is growing on some of the wooded areas, but there is not enough land space for any sizeable timber crop.

On the opposite side of I-71, which borders the proposed project, there is the Bavarian Sanitary landfill and municipal solid waste recycling area. Here the land is used for sanitary landfilling of municipal solid waste and recycling and recovery of values from municipal solid wastes. The facility is a permitted subtitle "D", non-hazardous waste facility operated by Bavarian Waste Disposal, Inc.

3.2 Proposed Land Uses

A project is proposed here which will utilize the property for a Construction and Demolition Debris Landfill. Construction and demolition debris, which are generated as a result of the construction of new homes contains wood, roofing, insulation, carpet, pipe, plaster, paper, brick, and mixed rubble. Demolition debris, which result from tearing down old homes, roads, and buildings, contains concrete, steel, brick, wood, pipe, and mixed rubble. Road work results in asphalt, concrete, and earth for disposal. Site clearing results in trees, brush, earth, concrete, mixed rubble, sand, steel, paper, and plaster. Excavation results in earth, sand, stone, and wood.

The development of Boone County results in the need for the type of facility proposed here. The only other site in the county is near the Bellevue Bottoms area, per Mary Shinkle, the Boone County Solid Waste Coordinator. This proposed Construction and Demolition Debris Landfill will help to meet the need of the county for a long time.

3.3 Open Spaces

The design of the proposed facility will permit the further use of the land, after the landfill is closed, for use as a hiking and horseback riding area. Nature trails can be incorporated into the new topography and blended in with the old topography that remains unchanged. Open spaces will be a part of this final landscape and design. Certain forested areas and open areas will be maintained.

3.4 Impervious Surfaces

The impervious surfaces at present in the site area are the pavement of I-71 and the pavement of Stephenson Mill Road. Additional impervious surfaces will be as follows:

3.4.1 Streets

There will be no impervious street added to the area as such. Present abandoned county roads, entrances, and roadways to the filling area will be all weather types of roads and will be made impervious.

3.4.2 Parking Areas

The present parking areas around house and barn are paved with stone and are not impervious. Truck parking and auto parking areas near the work site will be paved and made impervious.

3.4.3 Structures and Buildings

A presently used residence will initially be used as an office at the proposed site. At a future date a small office and weighing scales will be built on site.

4.0 Utilities and Infrastructure

Power and water are presently available at the site. Toilets are provided and will use the existing septic tank system.

4.1 Water Line

Water service has just recently been installed along Stephenson Mill Road and is available to the site. Not a lot of water is required for site operations.

4.2 Power

Power is provided at the site from a transformer near each farm in the area. There should be sufficient power for site operation. Not a lot of electrical power is required at the site. Power is required mainly for lighting and small types of power equipment.

4.3 Sewer

There is no sewer to the site at present. There will not be a need for a sewer for site operations. An existing septic tank will be adequate for site toilets.

5.0 Relationship of Proposed Zone Changes with Comprehensive Plan

The Comprehensive Plan delineates the Stephenson Mill Road area as residential. This proposed zone change would alter the land from A-2 to A-1; therefore, not impacting the provisions within the comprehensive plan.

5.1 Conflicts with Plan

The comprehensive plan's designation of the Stephenson Mill Road area as residential appears to be a conflict at first, but once one looks further into the proposed area this conflict diminishes. The proposed property includes part of an old landfill and is adjacent to I-71. Both the landfill and the location along the interstate highway are not conducive for residential development.

5.2 Conformance with Plan

The Boone C & D proposed zone change provides a responsible, environmentally safe outlet for disposal of construction and demolition debris. The expected growth and development in Boone County, as outlined in the

Comprehensive Plan, dictates a facility such as this for proper disposal of debris. The location of the property along I-71, the position of the old landfill, and the topography do not interfere with the Plan's outline for residential growth around the Stephenson Mill Road area. Boone C & D will contribute a vital link to the developmental process, while handling debris in a safe, responsible manner.

5.3 Compliments

As Boone County continues to grow and develop into the next century, the need for usable, efficient, and affordable disposal of C & D debris is a necessity. The destruction caused by the 1997 flood in Northern Kentucky proved how vital a facility devoted to this debris is in the Boone County area. The continued growth in residential and commercial development will dictate that a facility such as this, is necessary for responsible, environmentally safe handling of this material (construction and demolition debris). So in light of the above, the proposed project compliments the Boone County Comprehensive Plan in a major way for construction and demolition debris.

FIGURE 2: SKETCH OF PROPERTY FOR PROPOSED ZONE CHANGE

Prepared by:
 RNK
 Environmental, Inc.

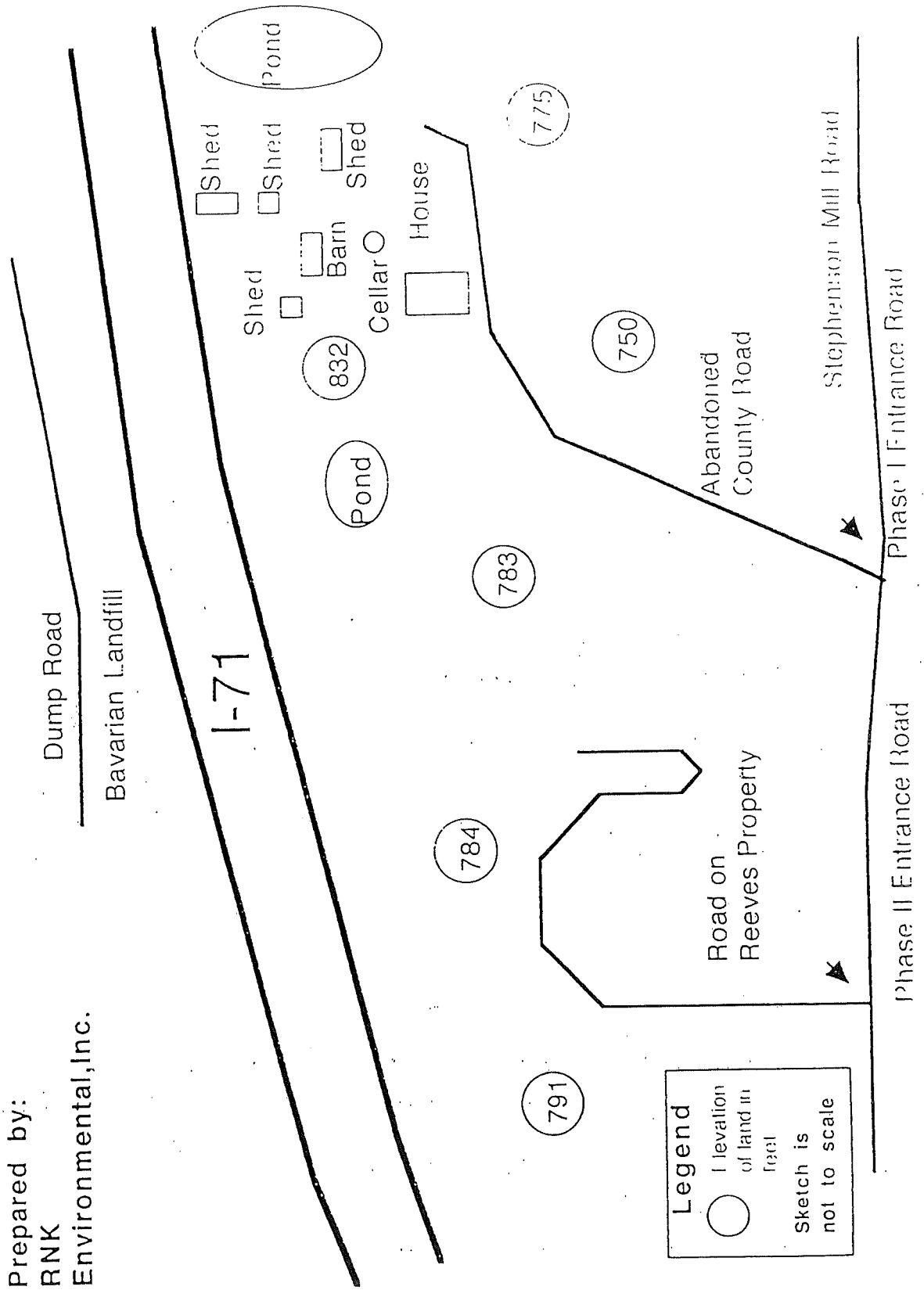
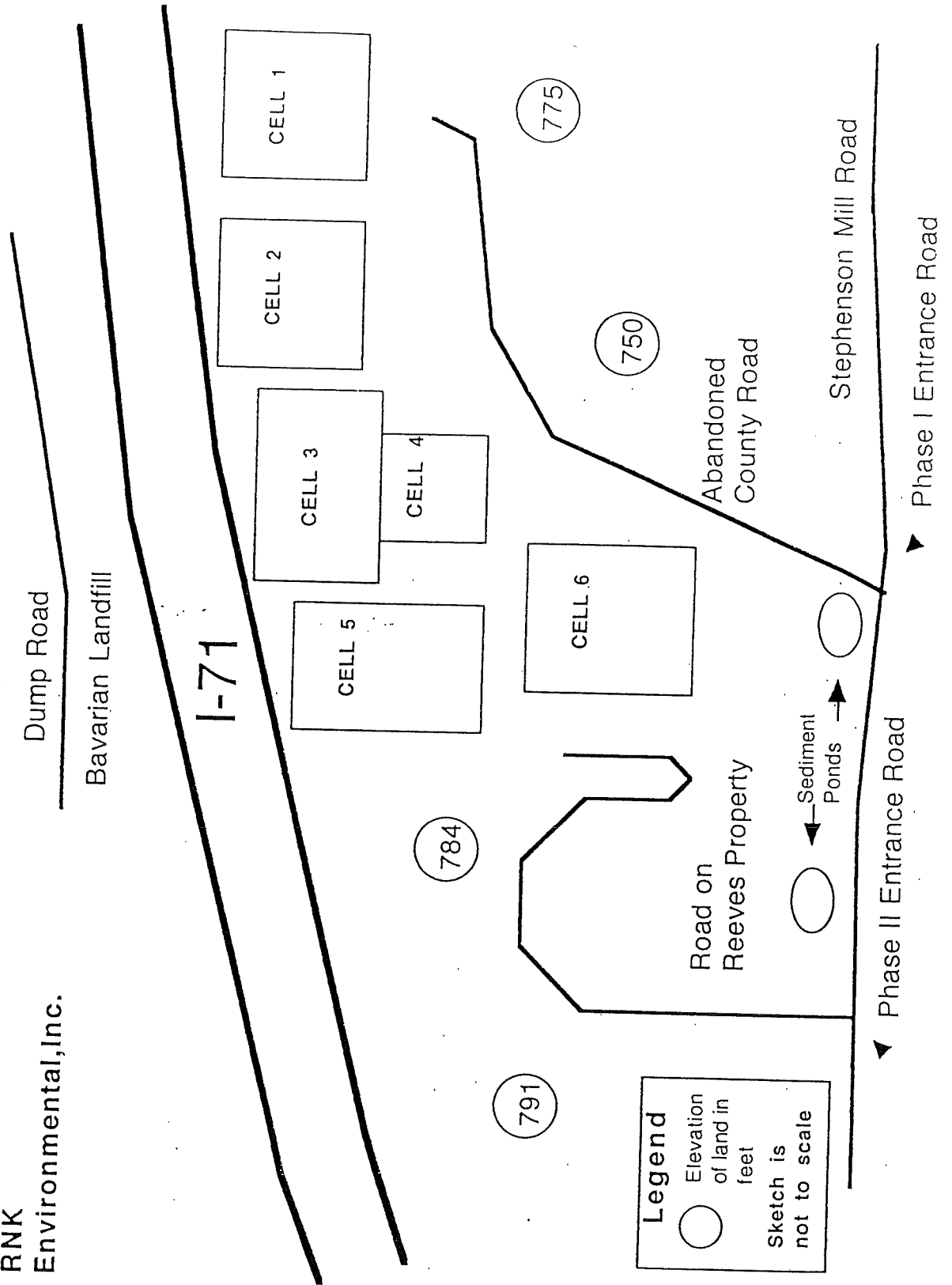


FIGURE 3: PHASE I CELL DEVELOPMENT

Prepared by:
 RNK
 Environmental, Inc.



BRIEF INFORMATION PACKAGE
PROPOSED CONSTRUCTION AND DEMOLITION DEBRIS FACILITY
STEPHENSON MILL ROAD

by

RNK ENVIRONMENTAL, INC.
2643 CRESCENT SPRINGS ROAD
ERLANGER, KENTUCKY 41017

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CONSTRUCTION AND DEMOLITION DEBRIS FACT SHEET

What is Construction and Demolition Debris: Materials generated as a result of construction, renovation, and/or demolition projects. Metals, wood, asphalt, concrete, rocks, rubble, soil, paper, plastics, and glass are among the many substances considered C & D debris.

C & D debris is usually divided into five categories:

Construction: Mixed rubble, wood, roofing, insulation, carpet, pipe, plastics, paper, brick

Demolition: Mixed rubble, concrete, steel beams, bricks, wood, pipes

Excavation: Earth, Sand, stones, wood

Roadwork: Asphalt, concrete, earth

Site Clearance: Trees, brush, earth, concrete, mixed rubble, sand, steel, paper, plastic

C & D debris is regulated federally as a municipal solid waste and as such falls under the Resource Conservation and Recovery Act.

C & D debris classified as "nonhazardous" or "special waste" can be landfilled in a C & D Landfill.

The composition of C & D debris is dependent upon the type, size, and geographic location of the structures involved.

Due to the 1997 Flood, Northern Kentucky landfills received emergency permits to accept C & D debris.

Traffic Flow Analysis of the I-75 Overpass at Stephenson Mill Road Interchange Boone County, Kentucky

RNK Environmental, Inc. personnel conducted a traffic flow analysis at the request of the Boone County Planning Commission on May 8, 1997 and May 12, 1997. Per a conversation on the zoning change of land on Stephenson Mill Road, Boone County, Kentucky, from A2 to A1 (Conditional Use), the traffic flow at the I-75/Walton exit was assessed for flow patterns and volume. The following dictates the traffic patterns at the interchange and other observations regarding the main intersection of Stephenson Mill Road.

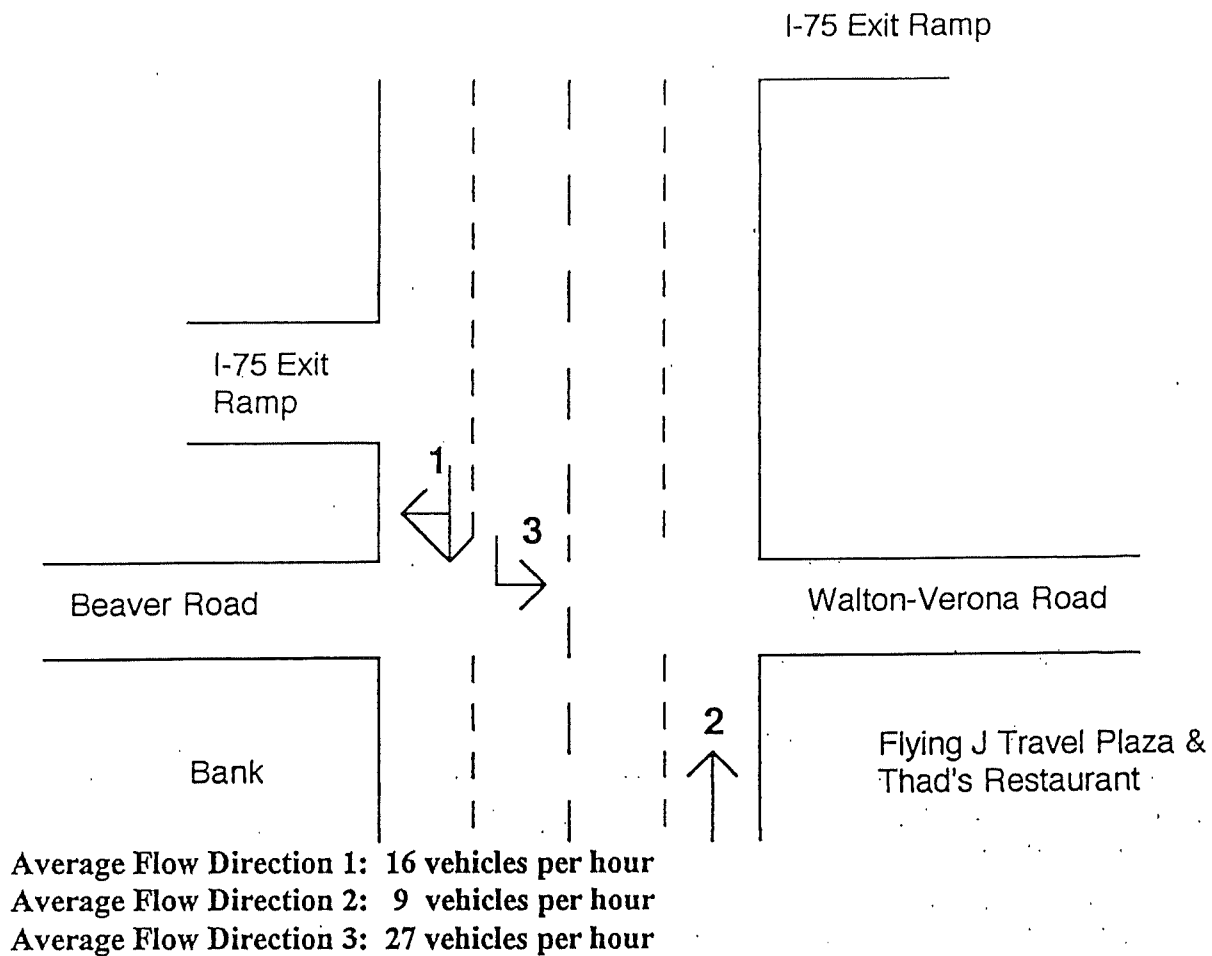
Method of Research

The traffic flow at the I-75/Walton interchange was observed during two, four hour periods (8AM-12PM and 12PM-4PM). RNK personnel were situated in the Flying J Truck Plaza property facing the I-75 overpass. The number of cars coming off the exit towards Stephenson Mill Road and the cars heading from Stephenson Mill towards I-75 were recorded. Within this eight hour period several flow patterns were established and the breakdown of vehicle types were recorded. RNK personnel distinguished the vehicles into two categories: Cars and Trucks. Vehicles recorded as Trucks included: S10's, Pick-ups, Delivery Trucks, Tractor Trailers, and various construction style models.

Results of Investigation

The recorded numbers from the eight hour period were compiled and analyzed for patterns of volume and type of vehicle. The following details the traffic flow by direction, vehicle type, and time of day.

Figure 1: Diagram of the I-75/ Walton Exit and Stephenson's Mill Road Interchange



Several patterns were established from the flow analysis. First, the presence of the Flying J Truck Plaza and adjacent Thad's Restaurant provide for an increased flow of traffic onto the exit. The majority of the traffic exits at the first stop sign into the Flying J/Thad's plaza without ever venturing down Stephenson's Mill Road. The traffic that does proceed into the right lane at the stop sign (See Diagram) is divided into traffic continuing on Stephenson's Mill Road and those turning right toward the Kentucky Armory and Clarion Corporation. The traffic flowing from Stephenson Mill toward the I-75 overpass is sparse compared to that entering the Truck Plaza.

The traffic number totals included three distinct patterns. The first pattern details the "rush hour" periods of increased traffic flow: 8AM-9AM and 3PM-4PM. Secondly, due to the truck plaza's location on I-75 and near I-71, the flow of traffic from 8AM to 12PM is fairly constant. Finally, the lunch time traffic (11AM-1PM) is heavier due to the truck plaza and Thad's restaurant. The flow of traffic continuing on Stephenson's Mill Road toward the potentially rezoned property is very light. The only truck traffic on Stephenson Mill Road beyond the truck plaza is that of the Atlas Concrete Mix Company. Random construction vehicles were also noted on Stephenson Mill Road:

Table 1: Traffic Flow Recorded at the I-75/Walton Exit

Car/Trucks1: The traffic flowing towards Stephenson Mill Road from the overpass.
Car/Trucks2: The traffic flowing from Stephenson Mill Road toward the I-75 overpass.
Flying J: The traffic turning left onto Walton-Verona Road into the Flying J Travel Plaza
TOTAL: The total number of vehicles flowing through the Stephenson's Mill and Walton-Verona Roads Interchange

	<u>Cars1</u>	<u>Cars2</u>	<u>Trucks1</u>	<u>Trucks2</u>	<u>Flying J</u>	<u>TOTAL</u>
8AM-9AM	33	17	23	12	38	123
9AM-10AM	13	14	14	14	40	95
10AM-11AM	7	3	10	6	20	46
11AM-12PM	15	7	19	8	31	80
12PM-1PM	38	7	4	7	38	94
1PM-2PM	14	9	5	8	27	63
2PM-3PM	19	6	6	5	19	55
3PM-4PM	29	10	5	8	21	73

Conclusions

The traffic flow analysis established patterns of increased frequency during the "rush hours" and a steady flow throughout the morning on Stephenson Mill Road. The lunch hour traffic into the plaza is substantial due to the location of Thad's Restaurant. The thoroughfare by which the trucks would travel to the potentially located facility is undisturbed by the truck plaza traffic, as the plaza traffic turns at the first stop sign. After completing this analysis, RNK personnel suggest that a modest flow of trucks to this potentially re-zoned area would not disturb the existing flow patterns or alter the Stephenson Mill route in any distinguishable way.

Recommendations

The following list outlines suggestions for reducing the congestion of traffic at the I-75 and Stephenson Mill Road Interchanges:

1. While undergoing the I-75 widening changes, execute the proposed increase in the number of turnoff lanes from north and southbound I-75
2. Place lights at the intersection of Stephenson Mill Road and the entrance into the Flying J Travel Plaza upon completion of proposed lane changes
3. Properly display signs that identify the designated driveway into which trucks can enter the Flying J Travel Plaza

401 KAR 48:060. Technical requirements for construction/demolition debris landfills.

RELATES TO: KRS 224.01, 224.10, 224.40, 224.43, 224.99

STATUTORY AUTHORITY: KRS 224.10-100, 224.40-305

NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing or disposal of wastes. KRS 224.40-305 requires that persons engaging in the management, processing and disposal of waste obtain a permit. This chapter establishes the minimum technical standards for solid waste sites or facilities. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This regulation sets forth the technical requirements for construction/demolition debris landfills that are not already classified under permit-by-rule and granted permit-by-rule.

Section 1. Design Requirements. (1) A construction/ demolition debris landfill shall be designed to keep surface water flows and leachate separate. The design shall include:

(a) Surface contours to minimize surface water running onto or through the operational or completed fill area;

(b) Surface water run-on and run-off diversion ditches and structures designed to pass a 100 year, twenty-four (24) hour storm flow; and

(c) Surface water sediment basins designed to meet the following criteria:

1. The minimum retarding storage volume and the principal spillway discharge shall be such that a discharge through the emergency spillway shall not occur during

the twenty-five (25) year, twenty-four (24) hour storm event;

2. The emergency spillway shall be capable of passing a 100 year twenty-four (24) hour storm event with no flow exceeding the design freeboard of the structure;

3. The sediment storage volume and projected operating period shall be stated. The minimum sediment storage volume shall provide for one (1) year of operation. A shorter period may be approved consistent with a maintenance plan for the sediment basin;

4. The sediment clean out elevation shall be specified; and

5. All designs shall be verified by a unit hydrograph method of calculation, or a method approved by the cabinet.

(2) The liner and leachate collection system shall be designed as follows:

(a) The bottom liner shall be constructed of soil with a minimum thickness of twelve (12) inches. In addition, a low permeability soil component shall include a minimum of twelve (12) contiguous inches of 1×10^{-7} centimeters per second maximum permeability material, or its equivalent. The liner shall cover the bottom and sidewalls of the facility. The minimum bottom slope shall be three (3) percent toward a leachate collection line and one (1) percent along leachate collection lines;

(b) The liner shall be overlain by a drainage layer of twelve (12) inches of material with a minimum permeability of 1×10^{-3} centimeters per second, or its equivalent, in areas of the liner system with a slope of less than twenty-five (25) percent;

(c) The leachate collection system shall contain a perforated piping system capable of removing leachate from the top surface of the low permeability solid component, and

conveying it to a collection point. The drainage system shall meet the following requirements:

1. Main leachate collection pipes shall have a minimum diameter of eight (8) inches and shall be designed to withstand static and dynamic loads that may be encountered;

2. The maximum hydraulic head for design of the leachate drainage layer shall be one (1) foot;

3. The lateral pipes shall be installed primarily perpendicular to flow;

4. The minimum diameter of lateral perforated pipes shall be four (4) inches and shall be designed to withstand static and dynamic loads that may be encountered. The materials used shall at a minimum conform to the specifications for ASTM schedule eighty (80) pipe; and

5. The minimum slope for the piping system shall be one (1) percent;

(d) The leachate collection tank shall be a minimum of 1,000 gallons. Additional capacity shall be provided to store leachate for a minimum of fifteen (15) days production at peak production rates during operation and closure;

(e) The method of leachate disposal shall be described. When it is discharged to the sediment structure, a treatment plant is proposed or other method of discharge is proposed, the KPDES permit shall reflect this provision. When an off-site wastewater treatment plant is used, the applicant shall provide written documentation showing the acceptance of the waste. The criteria for disposal at the wastewater treatment plant shall be stated. The leachate collection system shall have a method to measure the quantity of leachate managed at the site.

(f) The drainage layer shall be overlain by a layer of either filter fabric or material approved by the cabinet to protect the integrity of the drainage layer;

(g) The filter fabric shall be overlain by a twelve (12) inch granular material with a 1×10^{-3} centimeters per second minimum permeability.

(3) Adequate soil material shall be available to provide one (1) foot of compacted cover on lifts of every 10,000 square feet, at the end of each working week, or at intervals sufficient to reduce fire hazards, prevent an unsightly appearance, and eliminate disease vectors.

(4) All designs shall include an environmental monitoring plan to meet the requirements of 401 KAR 48:300.

(5) All compaction equipment to be used for site operation shall have a minimum weight of 30,000 pounds and a minimum 130 horsepower motor. Sufficient equipment shall be listed on the application to handle the cover requirements in subsection (3) of this section as well as the working cell grading and compaction.

(6) The design shall include a separate area for handling hot or smoldering loads, or any other construction/demolition wastes which present special handling problems.

(7) The design shall include a shelter with screened windows, heat, lighting, potable water and sanitary facilities for operating personnel.

(8) A closure plan shall be developed to include the following information:

(a) A description of the procedures and schedule for final closure;

(b) If the facility shall close in phases, a description that shall reflect the sequence of phased closure; and

(c) A description of the final cover designed to meet the following requirements:

1. The waste cells shall be graded to achieve a final slope of more than five (5) percent and less than twenty-five (25) percent;

2. The twelve (12) inch cover layer required by Section 2(14) of this regulation shall be overlain by a minimum of twelve (12) inches of a 1×10^{-7} centimeters per second maximum permeability cap or its equivalent;

3. The cap shall be covered by a six (6) inch drainage layer of 1×10^{-3} centimeters per second permeability material or its equivalent on slopes less than fifteen (15) percent;

4. A system of field drainage tiles shall be provided to relieve water collected by the drainage layer;

5. The drainage layer shall be protected with an overlaying filter fabric or material approved by the cabinet;

6. A minimum of three (3) feet of vegetative soil shall cover the drainage layer; and

7. Diversion berms shall be provided where surface runoff exceeds the capability of the final cover to sustain the flow without excessive erosion.

(9) The owner or operator shall develop a closure care plan which includes the following information:

(a) A narrative description and schedule of measures that are proposed to be carried out after closure at the facility. This shall include:

1. Surface and groundwater quality monitoring;

2. Leachate collection and treatment;

3. Erosion and sedimentation control;

4. Revegetation and regrading, including maintenance of the final cover; and

5. Access control.

(b) The proposed closure care land use, the method of achievement and the necessary support activities which may be needed to achieve the proposed land use.

(c) The name, address and telephone

number at which the owner and operator can be reached during the closure care period.

(d) A final cover maintenance program for a period of not less than two (2) years beyond closure, to include erosion control, reseeding, refertilization, growth control, environmental monitoring, and leachate management.

(10) When the applicant restricts the waste to be construction/demolition debris, nonputrescible wastes and wastes that shall not leach such that the environmental performance standards shall be exceeded, the design may be modified as follows:

(a) The requirement for the liner shall be a minimum of two (2) feet of soil recompacted to ninety (90) percent of standard proctor; and

(b) The final cover shall be a minimum of three (3) feet of vegetative soil.

Section 2. Operating Requirements.

(1) The owner or operator of a construction/demolition debris landfill shall operate the facility in accordance with the requirements of KRS Chapter 224 and the regulations promulgated thereto, and the conditions of the solid waste permit issued by the cabinet.

(2) Landfill operators shall not permit or engage in open burning of waste. Any open burning shall be immediately extinguished. Wastes which are burning or smoldering shall not be deposited in the fill. Such materials shall be deposited at a location safely removed from the normal fill area.

(3) No waste containing free liquids or hazardous wastes shall be discharged to or placed in a landfill.

(4) The grounds in and about a landfill shall not be allowed to become a nuisance. The owner or operator shall properly control dust on haul roads and other areas to prevent a nuisance to surrounding areas.

When necessary, interior fences may be required to prevent litter from blowing from the landfill. The permitted area shall be policed on a routine basis to collect all scattered material.

(5) Signs and access control.

(a) An owner or operator of a construction/ demolition debris landfill shall post and maintain a sign for the active life of the facility which is clearly visible at the junction of the landfill access road and public road;

(b) A sign shall be posted at the entrance to the landfill that shows the name of the owner, the name of the operator, an emergency telephone number, the operating hours of the facility and the permit number authorizing operation of the facility. The sign shall be constructed of a durable, weather-resistant material and the letters and numbers shall be a minimum height of three (3) inches; and

(c) A certified operator shall be on duty when the site is open for use by persons other than the owner or his employee or agents.

(6) Scavenging shall be prohibited. Salvage and recycling operations shall not be allowed in conjunction with a landfill operation without prior approval by the cabinet.

(7) Landfill operators shall not allow uncontrolled public access that would expose the public to potential health and safety hazards.

(8) All-weather roads shall be provided within the site for vehicular movement. Separate areas within the site may be provided to allow for wet or dry weather operation and access. When necessary to prevent a dust nuisance, roads within the site shall be surfaced or treated.

(9) A shelter shall be provided which is accessible to operating personnel. The

shelter shall be screened and provided with heat, lighting, potable water and sanitary facilities. Safe drinking water, sanitary hand washing and toilet facilities shall be available at or near the site.

(10) A fire safety and response plan shall be developed and maintained. The plan shall identify measures that shall reduce the risk of fire at the facility, identify the equipment and procedures to respond to a fire and supplement the local fire department's capabilities.

(11) Adequate communication facilities shall be provided for emergency purposes.

(12) Operating equipment shall be on site during operating hours and capable of spreading and compacting the volume of waste received at the site. Back-up equipment shall be available within one (1) week of primary equipment breakdown.

(13) Construction/demolition debris waste shall be spread and compacted in thin layers sufficient to minimize void spaces during placement of lifts. No lift shall be greater than eight (8) feet in depth or the depth approved in the application.

(14) The owner or operator shall apply a twelve (12) inch soil cover such that the area of exposed waste does not exceed 10,000 square feet in area and all exposed wastes shall be covered at least once each week.

(15) Disease vector control measures in addition to cover may be required by the cabinet when necessary.

(16) The entire site, including the area of the landfill being actively worked, shall be maintained as necessary to prevent erosion or washing of the fill, to drain precipitation from the fill area, to prevent surface water run-on, and to prevent standing water.

(17) Surfaces that shall not receive an additional depth of refuse or final cover within ninety (90) days shall be temporarily

revegetated or otherwise protected against erosion.

(18) The site shall have an operator certified as specified in 401 KAR 47:070.

(19) Records and reports shall be maintained in accordance with the requirements of Section 8 of 401 KAR 47:190.

(20) Any person operating a construction/demolition debris landfill shall implement the groundwater monitoring program in the approved permit.

(21) Leachate shall be disposed using the method described in the approved permit.

(22) The owner or operator shall implement a program at the facility for detecting and preventing the disposal of unauthorized wastes. This program shall include at a minimum:

(a) Observance by the operator of all loads during dumping and spreading;

(b) Training of facility personnel to recognize unauthorized waste; and

(c) Procedures for notifying the proper authorities if an unauthorized waste is discovered at the facility.

(23) The owner or operator shall keep ditches free of waste and debris and dredge the sediment basin to maintain design capacity. Provisions shall be made for proper disposal of dredge spoils.

(24) The owner or operator shall conspicuously display the current or last permit issued with all applicable conditions at the construction/demolition debris landfill. A copy of the approved application including plans shall be reasonably available for use at the site.

Section 3. Closure and Closure Care Requirements. (1) The owner or operator shall implement the approved closure plan in accordance with the closure schedule and in the following manner:

(a) Those areas of a landfill that shall

receive no additional deposits of solid waste within 365 days of the last placement of the waste shall receive final cover. The minimum final cover shall include the components described in Section 1(8) of this regulation and shall have a thickness as specified in Section 1 of this regulation in addition to any other cover required;

(b) Submit any amendment or modification to the closure plan at least ninety (90) days before the last acceptance of waste;

(c) Grade final cover as provided in the approved closure care plan and prevent ponding;

(d) Final cover shall be revegetated. After grading, final cover shall be fertilized as necessary, seeded, or planted with legumes, perennial grasses or other vegetation according to the approved closure plan. The owner or operator shall repeat this process until adequate vegetation is obtained to ensure soil stabilization;

(e) Before earth-moving equipment is removed from the site, an inspection of the entire site shall be made by an authorized representative of the cabinet to determine compliance with approved plans and specifications. The owner or operator shall present the quality control records demonstrating compliance with the permit;

(f) The owner or operator shall record a notice in the deed that shall in perpetuity notify any potential purchaser of the property of the location and time of operation of the facility, the nature of the waste placed in the site and a caution against future disturbance of the area. Such notice shall be recorded in accordance with KRS Chapter 382 and proof of recording shall be submitted to the cabinet prior to the cabinet's acceptance of certification of closure; and

(g) The cabinet may release the closure

bond two (2) years following the cabinet's acceptance of the owner's certification of closure. These funds will be released upon inspection of the permit records and the site to determine that it is in compliance with all regulatory requirements and has at least a ninety (90) percent permanent vegetative cover.

(2) The owner or operator shall implement the approved closure care plan in accordance with the closure care schedule and shall perform other necessary corrective work required by the cabinet, if any, before the landfill closure care certification is accepted.

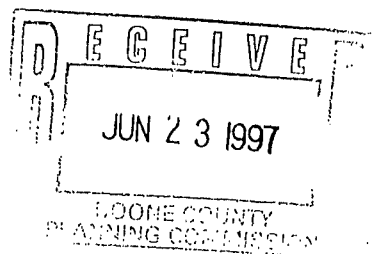
401 KAR 48:060 - 6

APPENDIX B
LETTERS FROM OPPOSING
PROPERTY OWNERS

June 20, 1997

12828 Pennington Road
Walton, Ky. 41094

Boone County Planning Commission
2995 Washington Street
Burlington, Ky. 41005



Mr. John Huth,

This letter is being written to STRONGLY OPPOSE the zone change that has been applied for at 1122 Stephenson-Mill Road.

The reasons are as follows:

1. My foremost reason is that I am a SCHOOL BUS DRIVER for the Walton-Verona School District. We have buses that travel Stephenson-Mill Road every day, August thru July. Seven buses and this year there is going to be a Pre-School run, carrying 3 and 4 year old children. Blind spots and curves, as well as the road being narrow presents a real hazzard. We already have trucks that by-pass the weigh station to get to I-75 and I-71, on Stephenson-Mill road. It would be a disaster to add more trucks.
2. On RNK's traffic study, I did not see a school bus listed any where. It seems the study was done considering the traffic at Flying J, not the hazzards that could occur on Stephenson-Mill.
3. The debris that could be lost from the trucks could cause accidents.
4. Environmentally, other material could be dumped and no one would know the difference.
5. Noise from trucks. We already have a weigh station directly across the expressway.
6. Landfill across the expressway.

We are a residential community and farm community. There are only two other businesses on Stephenson-Mill Road being Atlas Concrete and the City of Walton Sewage Treatment plant we do not need any more.

Once again, we are opposed to this change and for the reasons listed above, especially No. 1, we do hope the Planning and Zoning Commission will rule in our favor and DENY the request for the zone change.

Sincerely,

Gerri Mace
Gerri Mace



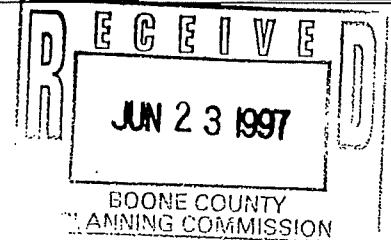
Walton-Verona Board of Education

16 School Road • Walton, Kentucky 41094
Phone: (606) 485-4181 • Fax: (606) 485-1810
E-Mail - RSTORER@MSMAIL.W-V.K12.KY.US

Robert Storer, Superintendent
Bill Boyle, Asst. Superintendent
Dr. Marjorie Templeton,
Director of Special Education
Bob Konerman, School-To-Work
Claudia B. Coleman, Treasurer



Board Members:
William M. Wethington, Chairman
Shirley E. Cummins, Vice-Chairman
Walt Ryan
Randy Lawrence
Randy Antrobus



Mr. John Huth
Boone Co. Planning Commission
2995 Washington Street.
Burlington, KY 41005
6-16-97

Dear Mr. Huth,

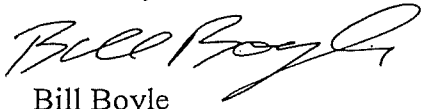
I am writing on behalf of the Walton-Verona Board of Education to express our concern with the proposed zoning change for the property located at 1122 Stephenson Mill Road, Walton, Ky.. It is our understanding that RNK Environmental, Inc. is requesting the zoning change to use this site as a landfill for construction materials. The Walton-Verona Board of Education would like to go on record as opposing this zoning change due to the fact that the road is too small to accommodate more truck traffic.

Increased traffic of this sort would pose extreme difficulty and potential hazards to our school bus fleet which travels this road and passes this property six (6) times daily. Currently, when passing an oncoming car both the school bus and the vehicle must stop and negotiate the best area to pass. The road narrows as you proceed toward the proposed site and in one area is little over one lane wide. The addition of truck traffic beyond the concrete company is unacceptable from our viewpoint and would be very unsafe.

We currently deal with a similar problem on Beaver Road and McCoy's Fork Road with the present landfill. Although the road in this case is of adequate size, it still creates increased risk of an accident when truck traffic is increased on a road where we load students and turn buses around.

Please take our concerns under consideration when discussing this zoning change. If you have any questions or concerns please give me a call.

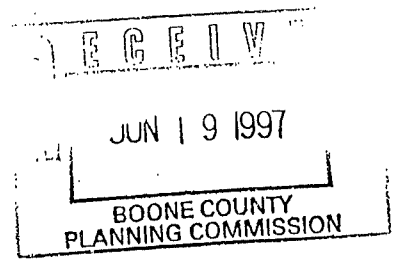
Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Boyle".

Bill Boyle
Assistant Superintendent

cc: Boone County Commissioners
Honorable Judge Lucas

BOONE COUNTY PLANNING COMMISSION
2995 Washington Street
Burlington, Ky. 41005



Date June 18, 1997

Dear John Huth,

The purpose of this letter is to make you aware that we immovably object to the zoning change from A-2 to A-1 at 1122 Stephenson Mill Road, Boone County, Walton, Ky.

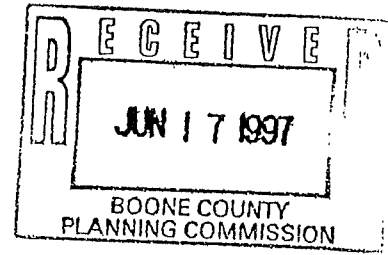
The objections are as follows:

1. **The market value of our property will be adversely effected.** The applicant should be aware that as a resident of adjacent property, we will **demand** satisfaction.
2. RNK Environmental, Inc.'s traffic flow analysis occurred conveniently while school was not in session. **We know the time frames selected for the traffic flow analysis do not accurately reflect school traffic or rush hour traffic.** The time periods of 6:00A.M. to 12:00P.M. and 4:00P.M. to 8:00P.M. would provide a more accurate account.
3. The condition of the roads is not adequate to sustain the current traffic flow, much less that of tractor trailers and such vehicles. This additional traffic will also endanger those traveling this road.

In conclusion these are only some immediate objections that are at hand. Additional objections may be conveyed through our attorney.

Mr. and Mrs. Jerry A. Conrad
1110 Stephenson Mill Road
Walton, Ky. 41094

746 Stephenson Mill Road
Walton, Kentucky 41094
June 14, 1997



Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

Mr. John Huth:

This letter is written on behalf of the residents who live on Stephenson Mill Road, Pennington Road, and Katie Drive.

The purpose of this letter is to tell the Boone County Planning Commission the reasons why the residents object to the Zone Change at 1122 Stephenson Mill Road.

1. This is a residential and farming area and we oppose any type of business in our area.
2. The increased traffic on this road would be a hazard to whomever traveled it, concerning the width, some very bad curves and blind spots on this road.
3. There are 5 school buses that travel this road daily when school is in session. The trucks hauling this debris would also be a hazard to the children on these buses.
4. The devaluation of our properties. There are several very nice homes in this area and not any of their owners want trucks going pass their homes losing debris and stirring up dirt.
5. Noise from the trucks and equipment used with this on-going operation. There are already beeping sounds that are heard from the landfill across I-71.
6. RNK Environmental made a traffic study. In their words "the traffic on Stephenson Mill is sparse compared to the Flying J Truck Plaza." There are not any businesses now on Stephenson Mill except for the Atlas Concrete Facility and the City of Walton Sewer Plant.

Certainly, there is no comparison of traffic. There should not be any comparison of traffic between the two. There are homes on this road and therefore the traffic should be less. Also there are 59 homes on this road from the beginning of Stephenson Mill to the proposed site. Each family has at least 2 autos. That's an average of 118 vehicles per day going to and from work, school or shopping. This road is also a short cut from Verona to Walton and several vehicles per day pass through this area. This road just simply cannot handle the increase traffic.

7. There is already a problem with tractor trailer semi trucks on this road, by-passing the I-71 scales.

8. The Trucking Company that is requesting the zone change is from Ohio. Southern Boone County can not be a dumping ground for Ohio or any other area.

In conclusion:

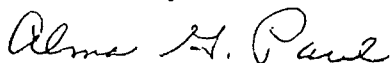
The residents in this area DO NOT want a landfill with the increased problems that it would cause and oppose the plan and zone change.

A petition has been drawn up with signatures of the residents and will be presented at the hearing.

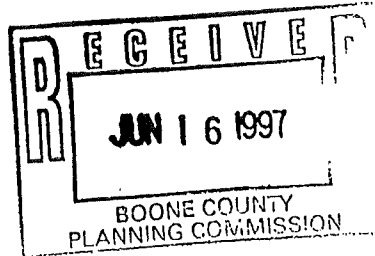
A number of residents will also be present at this hearing.

The residents who pay the taxes do ask the Planning Commission to rule in our favor and to DENY the request for the Zone Change.

Sincerely,



Alma G. Paul (on behalf of all the residents in this area)



Boone County Planning Commission
Attn: Mr. John Huth
2995 Washington Street
Burlington, Ky. 41005

June 13, 1997

Dear Mr. Huth;

This letter is a negative response to the proposed construction landfill on Stephenson Mill Road at Walton, Ky. in southern Boone County.

We have yet to understand why you keep taking southern Boone County along Interstate 71 to make yet another unsightly landfill. The one located on West I-71 is now well established and has been there for years. It needs more attention. Sometimes the odors from the fill are unbearable.

If you at the planning commission accept this proposal on the recommendation of RNK Environmental Inc., this would be bad for this part of the county. This new proposal is hard to understand as part of the area proposed is already saturated with prior garbage. Why would you want to disturb that? This new proposal is also on the elevation with I-71 north. This will be very unsightly for interstate traffic coming into southern Boone County.

As for your traffic flow analysis of the I-75 overpass and Stephenson Mill Road interchange, this is not the whole picture. Stephenson Mill Road is not wide enough now to meet traffic beyond the Atlas Concrete Co. point and to add this kind of big truck traffic on a single lane road is absurd.

Concerned Adjacent Property Owners.

Dennis S. Flynn
Mollie J. Flynn

Handwritten signatures of Dennis S. Flynn and Mollie J. Flynn. The signature of Dennis S. Flynn is written in a cursive style, and the signature of Mollie J. Flynn is written below it in a similar style.



United States
Department of
Agriculture

Natural Resources
Conservation
Service

6028 Camp Ernst Road
Burlington, KY 41005

Phone: (606) 586-7903
Fax: (606) 586-7683

June 24, 1997

To: Bonne County Planning Commission
Subject: 41 Acre Parcel - Stephenson Mill Rd. Conditional Use/Zone Change
From: Joel J. LeGris, District Conservationist, Boone County, KY

Dear Commissioners:

I am writing this letter as a formal statement of comment on the consideration of a conditional use zone change for the purposes of landfilling construction and demolition materials.

There are several concerns that I have regarding the steepness of slope and the type of soils at this site that make it questionable as a landfill. The majority of the soils on the site are Faywood and Eden soils which contain subsoils of clay/shale material mixed over limestone. The problem with these soils are shallowness to bedrock and slippage if they are disturbed. The USDA Soil Conservation Service lists these soils as having severe problems and risks if used for landfill purposes. This limitation is mainly based on shallowness, however, my experience with land slippage with these soils has shown that caution should be exercised if they are going to be disturbed for construction or by any other heavy equipment manipulation.

I would also be concerned about the land which was used previously as an old landfill site for Walton. Manipulating this land again for landfill purposes could create some environmental hazards which in modern landfill cells would, perhaps, not be a problem now. This hazardous material along with the steepness of the land could run off site, causing contamination in the stream below the site. And again, the slopes consist of hillsides which exceed 30% in several areas; the sedimentation caused by erosion on these hillsides would create a pollution problem and reduce the already shallow overburden for the landfill.

Thank you for including our office during your comment period previous to the zoning hearing. I am sure you will make the correct and logical decision for the land use change and for the public welfare.

Respectfully submitted,

Joel J. LeGris
District Conservationist, USDA-Natural Resources Conservation Service

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
June 25, 1997
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mr. Brown, Mr. Burch, Mr. Caddell, Mr. Damstrom, Mr. McKinney - Chairman, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries - Vice Chairman, Mrs. Smith, Mr. Viox, and Mr. White - Temporary Presiding Officer.

Mr. Michael McKinney, Chairman, called the meeting to order at 7 P.M. Following an explanation of the Public Hearing process, Mr. McKinney introduced the first item on the Agenda:

1. Applicant: Whitton Trucking for Denise Black, Raymond Reeves, Ricky Lee Stephenson (owners)

Request: Zoning Map Amendment

The request of Whitton Trucking (applicant) for Denise Black, Raymond Reeves, Ricky Lee Stephenson (owners) to consider a Zoning Map Amendment and a Conditional Use Permit for a 41-acre tract at 1122 Stephenson Mill Road, Boone County, Kentucky. The request is for a zone change from Agricultural Estate (A-2) to Agriculture (A-1) and a Conditional Use Permit to allow a construction and demolition debris landfill.

Staff Member John Huth presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Riley Kinman, President of R & K Environmental, representing Whitton Trucking Company, advised that he would be presenting three exhibit boards, and they be available for review following the meeting. Mr. Kinman stated that the proposed zone change is to allow a construction and demolition debris landfill. He reviewed the first exhibit and stated that the site is 2.3 miles down I-71 from the Walton exit. He indicated the location of the Bavarian landfill on the north side. He stated that their property is located between I-75 and Stephenson Mill Road and there will be a tree buffer line along Stephenson Mill Road.

Mr. Kinman stated that they will phase the project. Phase A is the Black farm and Phase B is the Reeves farm. They will start construction on the Black property, which they have acquired. They will be buffered from all of the neighbors and there should not be a problem with noise, dust, or odors. He stated that part of the site is the old Walton landfill which

was closed in 1967. They know the limits of that landfill. He stated that they have approximately 30 acres of land exclusive of the old landfill. They will not disturb the old landfill but will add overtop of it which will add more barrier material to what is buried there. This is in the last phase of the project.

Mr. Neltner arrived at this time.

Mr. Kinman stated that the land is rolling hills and gullies. Stephenson Mill Road is one boundary of the property and I-71 is the other boundary. He passed around the first exhibit.

Mr. Kinman presented the second exhibit, "What is a C & D landfill?". He stated that the landfill is for the disposal of debris from construction and demolition activities. He stated that all solid waste is regulated under the Federal Resources Conservation Act. He showed samples of material that would be in the landfill -- concrete, brush, steel, wood, insulation, plastic pipe, shingles, and various inert materials. He stated that all of the material is non-biodegradable and there will not be any odors from it. There will not be an burning on the site or any smoke except from the diesel exhaust of the trucks hauling the material to the site. The material is regulated by the state of Kentucky and the EPA, and at the federal level under the Resources Conservation Act.

Mr. Kinman reviewed the third exhibit which contained pictures of the site. He stated that the property is rural and they will not impact a large number of people in terms of the noise from the trucks. He stated that a lot of the activity will be below ground. He stated that Boone County is a rapidly developing county and there is a lot of construction and demolition. This facility will offer a secure disposal site for construction and demolition debris for the next ten years, which facilitates the Comprehensive Plan by providing a location for this material to be deposited and not thrown on the roads in the county. The recent flooding pointed out the need for such a facility. With the number of homes and buildings that were destroyed, there was not sufficient capacity to dispose of the debris and emergency permission was given to take the debris to various landfills in the area. The facility near Bellevue bottoms in Boone County is the only permitted landfill for debris from construction and demolition in the county. Bavarian is a sanitary type landfill and a more expensive type of disposal facility. He emphasized that the subject site is remote. He stated that they have studied the traffic at the Walton/I-75 interchange and did not find many vehicles using Stephenson Mill Road. He stated that this facility would add about 3 or 4 trucks per hour. The truck traffic on Stephenson Mill Road is light and their trucks will not change the hazards to traffic on that road significantly. The placement of this facility in this location will facilitate the development along the I-75 corridor in Boone County without the trucks having to haul the material a great distance. The trucks will put out less pollution if they drive less distance. He stated that the project will complement the Comprehensive Plan, and the proposed zone change is appropriate and proper. He offered to answer any questions.

Mr. McKinney asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present to wish to speak in opposition or to ask questions.

Mr. Nick Benson, an attorney in Walton representing a number of individuals in the Stephenson Mill Road area, stated that Staff did an excellent job and many of their arguments are in the Staff Report. He stated that there are 59 families living between the interchange at Stephenson Mill Road and the location of the site. He stated that he cannot imagine trucks dumping concrete and steel and the noise being buffered by the trees. He stated that if they dump more steel on top of the old landfill, they will penetrate it. The old landfill was closed because of the contamination, which could be reactivated. He stated that there is no buffer on the road for the dust, noise, and debris. The road at the site entrance is 11 feet wide. He stated that they are talking about dump trucks, five school buses a day, an 11-foot wide entrance, bad road conditions in the winter, and a road that is crumbling and has ditches along each side. The fact that Bavarian exists on the other side of the interstate is worlds apart -- it is about five miles from that landfill to this site. He stated that a plant that is okay on Industrial Road would not be okay at Triple Crown, which is four miles away. He stated that Bavarian is on a better road than deadends. There is a sign on Stephenson Mill Road that says "No Thru Trucks" because it is not suitable for truck traffic. He stated that the condition of the road would be a public cost. This is an agricultural/residential area with four- and five-acre lots. He does not understand why they do not get off the interstate five minutes sooner in Gallatin County where there is no zoning and fewer people -- there would be a better site there. If they cannot take the debris to Ohio where they got it, then Gallatin County would be an alternative. He stated that there is a need for this facility, but this is the wrong location. One of his clients put \$250,000 in his home in September and this landfill will be next door. There will be a devaluation of the property. The residents relied on the zoning laws when they bought out there and on what they saw out there. He stated that there is no use in the A-2 Zone that remotely resembles this use. He stated that even if the zone change was granted to A-1, it is not a proper use -- it is an industrial use.

Mr. Benson questioned the asbestos which may be in the shingles. He stated that there is a petition signed by every resident they could locate. He stated that this is not a remote site -- it is 2.5 miles from I-75 near its interchange with I-71 and people all over the nation know where that is. There are remote sites in counties without zoning not far from here. He stated that this is not a suitable location. The area is already residential. He stated that the petition makes it seem less remote because of the hundreds of names on it. All but one person asked has signed. He stated that the proposal does not comply with the Comprehensive Plan. He stated that there are a lot of other things he could say, but they are already in the Staff Report.

Mr. Jerry Conrad, stated that his property borders the driveway for almost 800 feet and this site is almost in his front yard. He stated that the applicant has not talked to them. He stated that they are worried about their property value. He stated that when people leave a job site, they

do not know what will be in the dumpster the next day as people who live around the site will put things in the dumpsters -- and those things will be dumped in his front yard. They do not want this facility. He stated that this is his driveway too. He stated that Greg Sketch says it is a county right-of-way, but the county does not maintain it.

Mrs. Smith arrived at this time.

Alma Pott, 746 Stephenson Mill Road, stated that they have lived there 26 years. This was their dream home where they could have a garden and get their property paid for. She stated that they are four years away from retirement. She wants this request turned down. She stated that she has petitions with 435 signatures. They have fought this and will continue to fight in court. She stated that some people out there are retirees. They are there because they want to be -- they are educated people with homes out there and they do not want this. She submitted the petitions.

Mr. Phil Trzop, Mayor of Walton, stated that it takes something important for him to come to the Planning Commission. He stated that the Comprehensive Plan was presented in 1995 and the A-2 Zone was presented at a Public Hearing, but the people did not come because they saw that the A-2 zone was protected. The city fathers adopted the Comprehensive Plan. The people in southern Boone County, including Walton and Verona, feel that they have a say about their way of life. He stated that Stephenson Mill Road is a country road. It is beautiful to travel down and was recognized in the Comprehensive Plan in 1990 and in 1995. He stated that Staff did an excellent job and hit everything right on. He stated that the property is A-2 -- it was passed that way by the legislative units of Boone County and they ask that it remain A-2.

Mr. Rodney Sexton had no comments.

Mr. George R. Hoffman, representing his two aunts who are elderly and have lived at 851 Stephenson Mill Road since 1920, and continue to farm there, stated that Stephenson Mill Road is not adequate for a large volume of trucks. The road is narrow and when a truck passes a vehicle they are on the edge of the road and there are no shoulders. He stated that 3 or 4 trucks an hour multiplied by the hours of the day is a lot of trucks and will cost the county for improvements to the road. He is concerned about the capacity of the interchange, which is recommended to be improved in the Transportation Plan -- but there is nothing in the Six-Year Plan to increase the capacity of the road. The only thing in the Plan is to add a lane and redo the southbound exit to lengthen it because the trucks back up on the ramp to the interstate. This use uses up the capacity at the intersection, but does not bring the jobs. He stated that trucks hinder development. He is against the request. He reviewed the criteria for approving a Conditional Use Permit. He asked that the Staff recommendation be followed and the Conditional Use Permit denied.

Mr. Charles Webster, 550 Stephenson Mill Road, stated that he has lived in the area most of his life. He is concerned about the safety of the children on the road with the trucks. He drives a semi. He added that there are also horses on the road.

Mr. Emmett Hayes stated that he is opposed to this use of the property. He stated that there are two reasons for a zone change -- a change of conditions in the area, which he believes has not occurred, or a general mistake in the original Comprehensive Plan. He stated that the Comprehensive Plan has just been revised and has tried to create residential areas to serve as buffers between the agricultural and industrial uses. Allowing this use will create industrial there, and there will be industrial uses that link this development all the way back to the expressway.

Judy Robben, 1005 Stephenson Mill Road, a licensed realtor in Kentucky, stated that there will be possible and probably property devaluation. She stated that in real estate appraisal, depreciation refers to any condition that affects a house or other structure. In her opinion, a landfill or other dump site would create a condition known as external environmental obsolescence, which is a condition that cannot be remedied or cured by the owner. The proposal will be detrimental to the community and she asked that it be rejected.

Mr. Jerry Byrd, a resident of Beaver Road, considers himself a neighbor to the area. He stated that the road is not safe. He has been in law enforcement for over 28 years and the intersection is a death trap waiting to happen. He uses 1292 on a daily basis going to work at the Boone County Courthouse and his car is readily identifiable -- but vehicles still blast through the intersection and almost hit him. The road is dangerous. The trucks and traffic will be dangerous to the pedestrians and the people on the road without improvements. No improvements have been proposed. There is already a landfill in the area and he sees garbage trucks from out of state bringing waste into the county and dumping it. Is Boone County to become the dumping area for other states? He asked that the request be denied.

Ms. Geri Maze, a bus driver for the Walton City School District, drives that road and cannot imagine 3 or 4 trucks an hour on the road. She cares about the children and asked that the request be denied. She stated that the bus picks up children in Walton before they even start across Stephenson Mill Road. The road is not big enough for a pick up truck -- let alone a dump truck -- to pass the bus.

Ms. Francis Morrissey stated that her comments had been made.

Mr. Dennis Chen, who bought on Pennington Road in 1994, stated that he has had two close calls with trucks on the first curve of the road -- it is not wide enough for two vehicles and it is dangerous. There is a deep ditch where the blacktop is broken and you can see where people have run off the road and slid across the road. Someone is going to get killed on the road unless something is done. He asked the Planning Commission not to approve the request.

T. A. Bryce, 2199 Stephenson Mill Road, has lived there since 1975 and he is retired. He knows R & K because he used them when he worked for the county and they do a good job. He stated that the Staff Report covered everything well. He stated that the road is narrow and dangerous. He would not want to see the old dump disturbed. He asked what would stop

them from filing a new application later for something else if this Conditional Use is approved now. He stated that the other landfill has stuff from Ohio and other places coming in -- items such as yard waste. He is opposed to the request and feels that the impact on the people would be great -- even if it is a few people.

Mr. Ricky Stephenson, stated that he has a residence and he just got a letter in the mail saying that they were going to change the zoning on his property. He came to hear what is going on. He stated that he works for a blacktop company and knows what it is like to get rid of construction debris. He stated that people in the area put things in the dumpsters unbeknownst to them and it is not just the construction debris. He grew up on the Black farm and hates to see it destroyed -- he would like it to stay pretty. He does not want his property messed up and he would have to be part of this. He stated that the old landfill was on his uncle's property and he saw what was dumped in there -- including chemicals and plastics. The chemicals got into the stream and polluted it. The property was condemned because the Reeve's horses died because they could not drink the water. He is concerned about the old landfill being disturbed.

Ms. Sherry Caldwell did not respond when her name was called. Mr. David Dabey also did not respond. Ms. Jackie Barnatto had no comments. This completed the names from the sign-up list. Mr. McKinney asked if anyone else present wished to speak.

Mr. Eddie Rowan, 1006 Stephenson Mill Road, has three small children and wants them to have the opportunity to live in the rural area like he has. He is concerned about setting a precedent. The Bavarian dump is there, and if this one is allowed, then another one will come along.

Senator Gex Williams, 142 Verona Road, stated that he was speaking as a neighbor, not a senator. He stated that they moved there because of the rural nature of the area. He stated that they have some of the highest property taxes in the state because they are willing to pay to have their children raised in a rural community. He believes this proposal will change the nature of the area. He stated that Staff did a good job. He asked the Planning Commission to oppose this change.

Mr. Jeff Laycamp, 984 Stephenson Mill Road, stated that he has been in the construction industry and knows what goes in these landfills. He stated that there will be trash all up and down the road that falls off the dumptrucks -- including drywall with nails in it. It is a bumpy road and things will bounce off the trucks. He stated that a lot of people out there have horses and haul big trailers, and there is no way they could pass a dump truck.

Mr. Dan Crigey, 14460 Inverness Drive, stated that he owns Verona Commons and is building houses in the \$200,000 - \$700,000 range and they do not want the homes and property devalued because of the dump site. He has talked to others, including Mr. Mueller who lives across the road, and they are against the proposal.

Mr. McKinney asked if there was anyone else present who wished to speak. There being no response, Mr. McKinney thanked the residents for their comments.

Mr. McKinney asked if there were any comments or questions from the Commissioners.

Mr. Caddell stated that the request indicates Ricky Lee Stephenson as one of the applicants. He asked if he was the same person who spoke and did not seem to be aware that the application had been filed. Mr. Stephenson indicated that he is the same person who is shown as the applicant. He stated that he did not apply for this zone change. He stated that he owns the property that they wanted to include, but he did not make this application.

Mr. Huth provided the application to the Chairman.

Mr. Damstrom questioned how the applicant would control what is dumped on the site. He questioned how they would control materials such as lead paint and asbestos when an old building is demolished. Do they have a system to detect such materials?

Mr. Kinman stated that in Kentucky, lead based paint has to be controlled in the demolition. The asbestos has to go to a sanitary landfill that is double lined with an asbestos cell. He stated that a client contracts for a box and Whitton Trucking deposits the box at the construction or demolition site. It is a roll-out box covered with a tarp and the material will not fall out along the road. They know who rented the box and the box is picked up when it is full. The control is knowing who is the generator of the waste. Asbestos is tightly regulated and you have to get a permit to destruct a building with asbestos.

Mr. Damstrom stated that he has yet to see a reason to grant the zone change per the requirements of KRS 100.

Mr. Neltner stated that with new construction there are a certain amount of liquids -- such as tar, adhesive, paint, varnish, and acid cleaners -- he questioned how they police the dumpster so that these materials would not go into the site.

Mr. Kinman stated that those materials are normally used in the construction and there would be the empty containers. The empty containers are considered to be inert and a legal part of construction and demolition debris. Household waste is allowed .04% inside the empty containers. It is such a small percentage of the overall volume of debris that it does not change the inertness of the material and is permissible in a landfill like this.

Mr. Neltner questioned the source for the statistic of .04% inside the containers. Mr. Kinman stated that it is an analogy of how you are allowed to dispose of material in household refuse. You are allowed to throw a paint can away even though it might contain some solvent and it is only .04% of the mass. The .04% would be the residual material in the buckets or cans, or the residue on pieces of carpet that are cut with the

glue on them. It is a very small percentage of the mass of material going into the landfill.

Mr. Neltner asked if Mr. Kinman could provide studies or the source of that statistic. Mr. Kinman advised that he has been researching solid waste for 29 years and can provide 45 publications, many of which have calculations in regard to managing solid waste. He will provide the information requested by Mr. Neltner.

Mr. Viox stated that the applicant indicated that there would be 3 or 4 trucks per hour -- which is about 9,000 trucks in a year. He noted the samples of materials that had been provided and stated that he is concerned about the weight in regard to concrete and steel. The trucks may exceed the weight limits on the road. He stated that that number of trucks is unimaginable on Stephenson Mill Road. With that type of traffic, there would normally be a striped road with two 12-foot lanes. He asked if a traffic study was submitted that addressed the condition of the road in regard to construction, turning radii, safety, or the bridges and culverts along the road.

Mr. Huth advised that the focus of the traffic study was mainly on the Walton interchange and did not get into Stephenson Road being narrow and not in the best of condition. In Staff's opinion, the traffic study did not address the items mentioned by Mr. Viox in regard to Stephenson Mill Road.

Mr. Ries asked if there are environmental guidelines to be considered before putting something on top of the old landfill or disturbing it. He asked if there is anyway to know what is in the old landfill. He is concerned about it polluting the creek again.

Mr. Kinman stated that they have done preliminary engineering. They have not analyzed the garbage buried in the old landfill. It has been 30 years since it received any refuse and the biodegradable materials are degraded and what is not biodegradable is still there. He stated that you can tell by the settling that the material is stabilized. He stated that any problems that were going to occur should have occurred by now. When they get into the full engineering design of the site, they will evaluate that situation carefully and check the records in regard to what is known about what is in there. They have done analyses of the water and sewers on the site, but have not done the complete series of analyses that they will do in final design. They will work on the 30 acres before getting to the old landfill, which is in the fourth phase. There was a study done in 1986 by the Kentucky Cabinet for the Environment and they have all of that data.

Mr. Ries asked if there is a way for the Planning Commission to get an idea of what those samples are. Mr. Costello advised that we have them.

Mr. Brown questioned the maximum weight of the dump trucks and their average width.

Mr. Kinman advised that they are 20 cubic yard boxes and typically haul 20 cubic yards. You figure 2,000 pounds per cubic yard, but that would be a variable since some of the debris is light and some is heavy. Mr. Brown questioned the maximum weight the road can handle. Mr. Kinman advised that garbage trucks and cement trucks go down the road. Mr. Brown questioned why the "No Thru Trucks" sign was put up and when. Mr. Costello stated that this information will be provided to the Committee.

Mr. Brown asked if the road is not adequate, will the applicant improve it wherever it is not in compliance. Is the applicant willing to improve the road?

Mr. Kinman stated that they will work with the county on correcting the road in the area. He cannot speak for the applicant until he has a chance to discuss this, but he would think so.

Mr. McMillian stated that the emphasis has been placed on the I-75 exit. He questioned the I-71 exit, which is a better entrance to this site. He asked if they had considered coming in there. The road is not any better there, but it is straighter and not so hilly. He asked which entrance they were planning to use.

Mr. Kinman stated that they were planning to use the entrance that is there to begin the construction of the site. He stated that the problem with I-71 coming in the back part of the property is that it is a limited access road. They can explore whether they can get permission to use it.

Mr. McMillian questioned Mr. Kinman's response. He stated that it is a through road and not a backdoor. Mr. Kinman stated that he thought Mr. McMillian asked about coming off the I-71 exit since the property backs up to I-71. Mr. McMillian stated that at the Verona exit on I-71 it is not so hilly and curvy. He asked which exit they plan to use.

Mr. Kinman stated that they will be bringing material both north and southbound. Going southbound they could use that exit and northbound they could use the Walton exit. It is possible that they could use both exits. The truck driver will probably take the closest route depending on where he is coming from.

Mr. McKinney stated that Ricky Lee Stephenson was listed as a property owner, but only Denise Black signed the exhibit attached under the ownership section. They have only identified Denise Black as the present property owner and Mr. Stephenson was not mentioned. He asked if Mr. Stephenson is involved in the project.

Mr. Kinman responded "no". He stated that all they have acquired is the Black property and they are negotiating with Mr. Reeves on his property. They have not talked to Mr. Stephenson yet. Mr. McKinney asked if it is an error that he is listed as a property owner. Mr. Kinman advised that he owns the property on the end, but his property is not part of the acreage they are talking about. The 41 acres is from the Black property and the Reeves property.

Mr. McKinney noted the question raised about future Conditional Uses. Mr. Huth stated that anyone in the future wanting a Conditional Use Permit would have to go through this same process if they are also requesting a zone change. If they are just requesting a Conditional Use Permit, it would go in front of the Board of Adjustment. Adjoining property owners are notified and given an opportunity to speak.

Mr. McKinney asked if there were any further questions or comments.

Mr. Nick Benson stated that for household garbage, .04% may be left in a bucket of paint -- but from a construction site there is glue and paint all of the time -- and a household may use two buckets of paint a year. In regard to Mr. Viox' comments about 9,000 trips per year, he stated that that is the problem with the report submitted by the applicant. They did not deal with the condition of the road or trucks on the road. He noted that Mr. Kinman mentioned that there are already cement trucks. He stated that there are cement trucks and the plant is a quarter mile or less down the road on Stephenson Mill -- but that is an industrial zone and the front of Stephenson Mill Road has reasonable width and access. It is after the cement plant that the road is falling apart. All of the houses are beyond the cement plant and the industrial zone. In regard to the weight of the trucks he stated that 20 cubic yards is 40,000 pounds and a weight limit might be 20,000 pounds. He does not know how much effect this will have on the road. He stated that there is a Boone County ordinance/traffic code that talks about truck loads and Stephenson Mill Road and triple axle vehicles are not permitted. There is a reason for the sign that says "No Thru Trucks".

Mr. Benson stated that he used to do a lot of zoning work and he always hears the same thing front the applicant -- if we get the zoning, we will work with the road and we will check the landfill -- but after they get the zoning, control is lost. Once they get started, there is a domino effect -- the next person who wants a Conditional Use Permit can say that he wants another business and he will only have two trucks a day, and you let these people so why not me? This sets a precedent that is not in the interest of the county.

Senator Williams stated that the signs and the access are off KY 14/KY 16, which is a state highway. There was a problem several years ago because of the truck traffic and a number of signs were put up there indicating that the trucks could not come down that road. His conversation with the State Highway Department was that probably a tractor trailer rig empty could run down there, but with any weight it would be an illegal weight limit for KY 16/KY 16 and that is why the Highway Department put signs up there. If they catch a truck that is loaded at all, they are taken to the scales, weighed, and fined. The state will not permit loaded tractor trailers on the road so it is inconceivable that the county would allow a loaded tractor trailer on Stephenson Mill Road.

Mr. T. A. Bryce stated that the other end of Stephenson Mill Road is also narrow and goes down a long hill into a hairpin curve and across a narrow bridge. He does not think there would be any trucks going that way.

Mr. Kevin Byrd of Pennington Road stated that they will start with 2 or 4 trucks per hour, but who is to say how many trucks they will bring in. He stated that we are just going by what they are saying.

Mr. Charlie Webster stated that not too many years ago, there was a weight limit of 8 tons on the road. He stated that a 40,000 pound load and a 20,000 pound truck is 60,000 pounds -- which is way over the limit. He is a professional driver and he would not want to drive on that road with their trucks.

Mr. Elmer Grover, 14502 Walton Verona Road, stated that he was born and raised in Walton. The road is narrow. He stated that Stephenson Mill Road is four miles from Walton to Walton Verona Road and two miles from Walton to where this dump site is. There is two miles on the other end that is just as narrow and just as bad as the Walton exit. He asked that the request be denied.

Mr. Marvin Feltz, who lives in Verona, stated that one of the reasons they do not want to come in on the I-71 end is that they would have to go across the scale. He referred to 401KAR48060, which is the technical requirement for construction and debris landfills, and noted that it says under Part B on Page 4 of Part 4, that a certified operator shall be on duty when a site is open. It then says that an owner or operator shall implement a program at the facility for detecting and preventing the disposal of unauthorized waste. The program shall include at a minimum observation of the load and training of facility personnel to recognize unauthorized waste. He stated that it scares him when companies police themselves. He stated that nobody else is going to check these dumpsters and the only person who says what is in there is okay is one of their own employees. Who will they protect? The people who live around the facility or their own company that pays their check? He stated that he has been in construction most of his life and that if you fill one of these dumpsters with concrete, you will have a lot of more than 40,000 pounds.

Mr. Cecil Emerson stated that he is building a home out there and was not aware of this until Saturday. He stated that the road is problem. Just up from this site, part of Stephenson Mill Road fell off two years ago and has been redone. He has a dumpster on his land now and what the people are saying is true -- it is not stuff to be dumped at the end of the road. This facility will ruin the property out there. He stated that Walton is growing and property values are going up. This facility will not help the property values. It is not fair to the residents in the area for this to open. The road is hazardous.

Mr. Jeff Tangle, 1373 Walton Verona Road, stated that he is an environmental consultant. He stated that under the Resources Conservation and Recovery Act, people are allowed to dispose of empty containers that contain one inch or less of residual material. With one inch, the container is considered empty and can be legally disposed of in a landfill like this. He stated that he has done work on landfills. He stated that if you have roll off boxes setting outside, people brings things and put them in there. They left one outside in Cincinnati and the next morning there were four cans full of paint thinner, paint, and household chemicals

including pesticides. He stated that there is no way for a group like Whitton Trucking to police every container they get. He stated that Mr. Kinman indicated that after 30 years, the old landfill would be gone -- but after 30 years there would be very little biodegraded, particularly wood. Running heavy equipment over the old landfill will cause compaction and setting and there is the chance of disturbing it and causing a release of materials that might be present. He stated that this property contains two ponds and an intermittent stream, which are regulated by the Clean Water Act. He stated that Whitton Trucking will be unable to develop this property unless they apply for permits and mitigate the impacts. He stated that it is inappropriate for the Planning Commission to approve a project like this until they have applied for and receiving the environmental permits they will need. He asked that the request be denied.

Mr. Fred Johnson showed an exhibit containing pictures of the road -- including a picture of pick up trucks side by side on some of the larger portions of the road. He stated that from the top of Stephenson Mill Road to the end, there are 59 houses. There are 59 people who ride on the road even after dark. He stated that there are so many bad curves that the county put up a "Caution - Horses" sign.

Wanda Cole, 1464 Stephenson Mill Road, stated that where the road slipped off was her father's farm. She stated that the road is historic. In 1812 there was a grist mill there. She stated that the dump was started there when she was 8 years old. The fish in the creek were destroyed and malformed. There was a deer that was malformed. She was upset when she came back eleven years ago that no one removed the slave graves. She would like the county to restore the cemetery as a park. She stated that she and her father will never sell their property to a housing development.

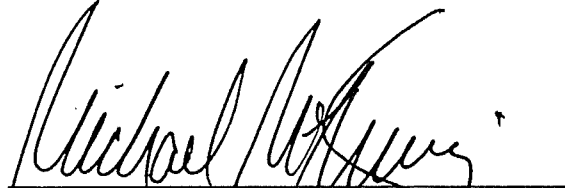
Mr. Kinman stated that there was not time to address all of the technical issues. He noted that a gentleman said that wood does not biodegrade -- which makes his point that it is inert material. He stated that under the Resources Recovery Conservation Act, solid waste management is the responsibility of the county. The county has the responsibility to provide for the disposal of solid waste -- which includes construction and demolition waste. Boone County exports more solid waste than it takes in. He stated that what they are proposing is part of a federal program to properly manage solid waste. In regard to lowering property values, he stated that there were pictures of beautiful homes in the area built next to an existing sanitary landfill and he does not see any depreciation of the home in the area. He stated that the one inch rule relates to 55 gallon steel drums from industry and they are reconditioned. He stated that the containers in construction and demolition type operations are basically empty and will not create a major problem. He stated that under the regulations, they do not necessarily have to put in a leachate collection facility because the material is basically inert. He feels that they can work out the road. He stated that they would be glad to answer any questions about the facility and provide data.

Alma Pott stated that Mr. Kinman is working for a client and getting paid. She stated that they are paying a lawyer. She stated that everyone in the room lives out there. They have beautiful homes they have worked hard to maintain. She stated that the Planning Commission should say "no go". She stated that if Whitton Trucking is from Ohio, let them find a place in Ohio.

There being no further comments, Mr. McKinney stated that the Committee Meeting for this item will be on July 7, 1997 at 4 P.M. in the second floor conference room. Anyone attending should call the Staff prior to the meeting as it may have to be moved to a larger meeting area. He advised that no additional testimony will be taken at the Committee Meeting. This item will be on the Agenda for the business Meeting on July 16, 1997 at 7:30 P.M.. There will not be any additional testimony taken at that time.

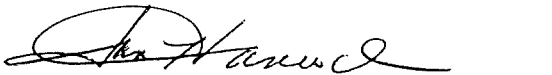
The Chairman closed this Public Hearing and called for a short recess.

APPROVED:



Michael McKinney, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
July 16, 1997
7:30 P.M.

Mr. Michael McKinney, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Larry Brown
Mr. Arnold Caddell
Mr. Mike McKinney, Chairman
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mr. Robert Ries, Vice Chairman
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith
Mr. Earl White, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch
Mr. Phil Damstrom
Mr. William Viox

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Susan Cabot, Historic Preservation
Mr. Ed Coleman
Mr. Dan Richards, GIS
Ms. Jan Hancock, Secretary
Mr. John Huth
Mr. Mitch Light
Mr. Kevin Wall, AICP

Approval of the Minutes:

Mr. McKinney stated that each Commission member had received copies of the Minutes of the June 25, 1997 Public Hearings, and the July 2, 1997 Business Meeting. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mrs. Smith seconded the motion and it carried unanimously.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Al Neyer, Inc. (applicant) for Riverview Real Estate, LLC, Richard Kuchle, Marian Kuchle, and Martha Hollister (owners) to consider a Zoning Map Amendment for 155 acres located along both sides of Ellis Road and along the west side of Point Pleasant Road near Airport Exchange Boulevard, Boone County, Kentucky. The request is for a zone change from Agricultural Estate (A-2) and Employment Planned Development (EPD) to Industrial One (I-1) to allow an office/light industrial park, Riverview Business Park.

Mr. McKinney stated that Agenda Item #1 is recommended for deferral to the September 17, 1997 Business Meeting at 7:30 P.M.. The Committee meeting will be on September 8, 1997 at 4 P.M.. Mr. Caddell so moved. Mr. Neltner seconded the motion. In response to a question from Mrs. Smith, Mr. McKinney advised that the deferral is within the time limitations.

A vote on the motion found all voting members in favor. Mrs. Schaffer abstained due to a potential conflict of interest. The motion carried.

2. Zoning Map Amendment

The request of Whitton Trucking (applicant) for Denise Black (owner) to consider a Zoning Map Amendment and a Conditional Use Permit for an 18.15 acre tract at 1122 Stephenson Mill Road, Boone County, Kentucky. The request is for a zone change from Agricultural Estate (A-2) to Agriculture (A-1) and a Conditional Use Permit to allow a construction and demolition debris landfill.

Staff Member John Huth presented the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. McMillian moved by resolution to the Boone County Fiscal Court that the request be denied based on the Staff and Committee Reports. Mrs. Smith seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

To: Boone County Planning Commission

From: Donald McMillian, Chairman

Date: July 16, 1997

Re: Request of Whitton Trucking (applicant) for Denise Black (owner) to consider a Zoning Map Amendment and a Conditional Use Permit for a 18.15 acre tract located at 1122 Stephenson Mill Road, Boone County, Kentucky. The request is for a zone change from Agricultural Estate (A-2) to Agriculture (A-1) and a Conditional Use Permit to allow a construction and demolition debris landfill.

Remarks:

We, the Committee, recommend denial of the above referenced request based upon the following findings of fact:

Findings of Fact:

1. The Committee has concluded that the proposed zone change from Agricultural Estate (A-2) to Agriculture (A-1) does not meet the minimum zoning district size of thirty (30) acres as required in the Boone County Zoning Regulations. The applicant has indicated in writing a revised acreage for the site in question of 18.15 acres.
2. The Committee has concluded that the proposed zone change to allow a construction and demolition debris landfill is not in agreement with the Land Use Element (both Map and Text) of the 1995 Boone County Comprehensive Plan which identifies the site as Developmentally Sensitive, Suburban Density Residential and Rural Land. In addition, the Land Use Plan Map of the 1995 Boone County Comprehensive Plan identifies existing landfills in the county as Industrial.
3. The Committee has concluded that the proposed zone change is not in conformance to the text of the 1995 Boone County Comprehensive Plan under Objectives #3 and #5 of the Environmental Goals and Objectives Section because it states the following:

Developmentally sensitive areas and scenic areas shall be identified and mapped and minimum standards shall be established for the preservation and restoration of these areas. Developments that are proposed in any of these areas shall be carefully reviewed according to these standards to assure negative environmental impacts are minimized.

Developmentally Sensitive hillsides in Boone County must be given special consideration. The preservation of these hillsides is a primary objective, and any proposed development on hillsides designated Developmentally Sensitive shall be carefully reviewed to insure potential impacts are minimal and the environmental integrity of the hillsides is maintained.

4. The Committee has concluded that the proposed zone change is not in conformance to the text of the 1995 Boone County Comprehensive Plan which identifies the site as part of the Beaverlick area and states the following:

Any growth in this section should be minimal and Rural Density Residential in character. Much of the land around Mud Lick Creek and its tributaries is Developmentally Sensitive and should not experience any growth. This section also contains the Bavarian landfill site. The landfill should not expand to the south because of McCoy's Fork Creek and should not expand to the north in order to avoid additional impacts on existing residential uses.

5. The Committee has concluded that the proposed zone change is not in conformance to the text of the 1995 Boone County Comprehensive Plan under the Future Land Use Development Guidelines which states the following regarding buffering:

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; 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 greenbelts and open space within developments and between developments.

6. The Committee has concluded that Stephenson Mill Road is not an adequate roadway to handle the proposed truck traffic and would cause traffic and pedestrian hazards due to the following reasons: the roadway is narrow causing vehicles to use a part of the shoulder when passing opposing traffic; the roadway is already designated as "no through truck traffic"; the roadway contains limited sight distance around turns and over hills; and the roadway is not recommended for improvements in the 1995 Boone County Comprehensive Plan nor the 1996 Boone County Transportation Plan.

7. The Committee has also concluded that the proposed conditional use to allow a construction and demolition debris landfill does not meet the criteria in Section 262 - General Standards Applicable to All Conditional Uses - of the Boone County Zoning Regulations due to the following reason:
 - a. The proposed landfill use is not harmonious with and is not in accordance with the general objectives, or with any specific objective of the County's comprehensive plan;
 - b. The proposed landfill use is not harmonious nor appropriate in appearance with the existing or intended character of the general vicinity and would change the essential character of the same area;
 - c. The proposed landfill will be hazardous to existing or future neighboring uses due to the truck traffic;
 - d. Stephenson Mill Road would not adequately serve the proposed truck traffic into the site;
 - e. Improvements to Stephenson Mill Road would require additional public cost;
 - f. The proposed use does involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of the excessive production of traffic and noise and the possibility of smoke, dust, fumes and odors and;
 - g. The sharing between truck traffic and vehicular traffic including school buses would create an interference along Stephenson Mill Road.
8. The Committee has concluded that the proposed conditional use does not meet the criteria in Section 613 - Conditional Use and Criteria - of the Boone County Zoning Regulations because the proposed landfill activity is not integral part of the agricultural use of the land and the activity will detract and conflict with the principal purposes of the district which are agricultural and residential.

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.

Donald McMillian

Donald McMillian, Chairman

For Against _____
Abstain _____ Absent _____

Arnold Caddell

Arnold Caddell

For Against _____
Abstain _____ Absent _____

Robert Millay

Robert Millay

For Against _____
Abstain _____ Absent _____

Linda Schaffer

Linda Schaffer

For _____ Against _____
Abstain _____ Absent _____

TOTAL: 4 FOR - AGAINST - ABSTAIN - ABSENT

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
June 25, 1997
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mr. Brown, Mr. Burch, Mr. Caddell, Mr. Damstrom, Mr. McKinney - Chairman, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries - Vice Chairman, Mrs. Smith, Mr. Viox, and Mr. White - Temporary Presiding Officer.

Mr. Michael McKinney, Chairman, called the meeting to order at 7 P.M.. Following an explanation of the Public Hearing process, Mr. McKinney introduced the first item on the Agenda:

I. Applicant: Whitton Trucking for
Denise Black, Raymond Reeves, Ricky Lee Stephenson (owners)

Request: Zoning Map Amendment

The request of Whitton Trucking (applicant) for Denise Black, Raymond Reeves, Ricky Lee Stephenson (owners) to consider a Zoning Map Amendment and a Conditional Use Permit for a 41-acre tract at 1122 Stephenson Mill Road, Boone County, Kentucky. The request is for a zone change from Agricultural Estate (A-2) to Agriculture (A-1) and a Conditional Use Permit to allow a construction and demolition debris landfill.

Staff Member John Huth presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Riley Kinman, President of R & K Environmental, representing Whitton Trucking Company, advised that he would be presenting three exhibit boards, and they be available for review following the meeting. Mr. Kinman stated that the proposed zone change is to allow a construction and demolition debris landfill. He reviewed the first exhibit and stated that the site is 2.3 miles down I-71 from the Walton exit. He indicated the location of the Bavarian landfill on the north side. He stated that their property is located between I-75 and Stephenson Mill Road and there will be a tree buffer line along Stephenson Mill Road.

Mr. Kinman stated that they will phase the project. Phase A is the Black farm and Phase B is the Reeves farm. They will start construction on the Black property, which they have acquired. They will be buffered from all of the neighbors and there should not be a problem with noise, dust, or odors. He stated that part of the site is the old Walton landfill which

was closed in 1967. They know the limits of that landfill. He stated that they have approximately 30 acres of land exclusive of the old landfill. They will not disturb the old landfill but will add overtop of it which will add more barrier material to what is buried there. This is in the last phase of the project.

Mr. Neltner arrived at this time.

Mr. Kinman stated that the land is rolling hills and gullies. Stephenson Mill Road is one boundary of the property and I-71 is the other boundary. He passed around the first exhibit.

Mr. Kinman presented the second exhibit, "What is a C & D landfill?". He stated that the landfill is for the disposal of debris from construction and demolition activities. He stated that all solid waste is regulated under the Federal Resources Conservation Act. He showed samples of material that would be in the landfill -- concrete, brush, steel, wood, insulation, plastic pipe, shingles, and various inert materials. He stated that all of the material is non-biodegradable and there will not be any odors from it. There will not be an burning on the site or any smoke except from the diesel exhaust of the trucks hauling the material to the site. The material is regulated by the state of Kentucky and the EPA, and at the federal level under the Resources Conservation Act.

Mr. Kinman reviewed the third exhibit which contained pictures of the site. He stated that the property is rural and they will not impact a large number of people in terms of the noise from the trucks. He stated that a lot of the activity will be below ground. He stated that Boone County is a rapidly developing county and there is a lot of construction and demolition. This facility will offer a secure disposal site for construction and demolition debris for the next ten years, which facilitates the Comprehensive Plan by providing a location for this material to be deposited and not thrown on the roads in the county. The recent flooding pointed out the need for such a facility. With the number of homes and buildings that were destroyed, there was not sufficient capacity to dispose of the debris and emergency permission was given to take the debris to various landfills in the area. The facility near Bellevue bottoms in Boone County is the only permitted landfill for debris from construction and demolition in the county. Bavarian is a sanitary type landfill and a more expensive type of disposal facility. He emphasized that the subject site is remote. He stated that they have studied the traffic at the Walton/I-75 interchange and did not find many vehicles using Stephenson Mill Road. He stated that this facility would add about 3 or 4 trucks per hour. The truck traffic on Stephenson Mill Road is light and their trucks will not change the hazards to traffic on that road significantly. The placement of this facility in this location will facilitate the development along the I-75 corridor in Boone County without the trucks having to haul the material a great distance. The trucks will put out less pollution if they drive less distance. He stated that the project will complement the Comprehensive Plan, and the proposed zone change is appropriate and proper. He offered to answer any questions.

Mr. McKinney asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present to wish to speak in opposition or to ask questions.

Mr. Nick Benson, an attorney in Walton representing a number of individuals in the Stephenson Mill Road area, stated that Staff did an excellent job and many of their arguments are in the Staff Report. He stated that there are 59 families living between the interchange at Stephenson Mill Road and the location of the site. He stated that he cannot image trucks dumping concrete and steel and the noise being buffered by the trees. He stated that if they dump more steel on top of the old landfill, they will penetrate it. The old landfill was closed because of the contamination, which could be reactivated. He stated that there is no buffer on the road for the dust, noise, and debris. The road at the site entrance is 11 feet wide. He stated that they are talking about dump trucks, five school buses a day, an 11-foot wide entrance, bad road conditions in the winter, and a road that is crumbling and has ditches along each side. The fact that Bavarian exists on the other side of the interstate is worlds apart -- it is about five miles from that landfill to this site. He stated that a plant that is okay on Industrial Road would not be okay at Triple Crown, which is four miles away. He stated that Bavarian is on a better road that deadends. There is a sign on Stephenson Mill Road that says "No Thru Trucks" because it is not suitable for truck traffic. He stated that the condition of the road would be a public cost. This is an agricultural/residential area with four- and five-acre lots. He does not understand why they do not get off the interstate five minutes sooner in Gallatin County where there is no zoning and fewer people -- there would be a better site there. If they cannot take the debris to Ohio where they got it, then Gallatin County would be an alternative. He stated that there is a need for this facility; but this is the wrong location. One of his clients put \$250,000 in his home in September and this landfill will be next door. There will be a devaluation of the property. The residents relied on the zoning laws when they bought out there and on what they saw out there. He stated that there is no use in the A-2 Zone that remotely resembles this use. He stated that even if the zone change was granted to A-1, it is not a proper use -- it is an industrial use.

Mr. Benson questioned the asbestos which may be in the shingles. He stated that there is a petition signed by every resident they could locate. He stated that this is not a remote site -- it is 2.5 miles from I-75 near its interchange with I-71 and people all over the nation know where that is. There are remote sites in counties without zoning not far from here. He stated that this is not a suitable location. The area is already residential. He stated that the petition makes it seem less remote because of the hundreds of names on it. All but one person asked has signed. He stated that the proposal does not comply with the Comprehensive Plan. He stated that there are a lot of other things he could say, but they are already in the Staff Report.

Mr. Jerry Conrad, stated that his property borders the driveway for almost 800 feet and this site is almost in his front yard. He stated that the applicant has not talked to them. He stated that they are worried about their property value. He stated that when people leave a job site, they

do not know what will be in the dumpster the next day as people who live around the site will put things in the dumpsters -- and those things will be dumped in his front yard. They do not want this facility. He stated that this is his driveway too. He stated that Greg Sketch says it is a county right-of-way, but the county does not maintain it.

Mrs. Smith arrived at this time.

Alma Pott, 746 Stephenson Mill Road, stated that they have lived there 26 years. This was their dream home where they could have a garden and get their property paid for. She stated that they are four years away from retirement. She wants this request turned down. She stated that she has petitions with 435 signatures. They have fought this and will continue to fight in court. She stated that some people out there are retirees. They are there because they want to be -- they are educated people with homes out there and they do not want this. She submitted the petitions.

Mr. Phil Trzop, Mayor of Walton, stated that it takes something important for him to come to the Planning Commission. He stated that the Comprehensive Plan was presented in 1995 and the A-2 Zone was presented at a Public Hearing, but the people did not come because they saw that the A-2 zone was protected. The city fathers adopted the Comprehensive Plan. The people in southern Boone County, including Walton and Verona, feel that they have a say about their way of life. He stated that Stephenson Mill Road is a country road. It is beautiful to travel down and was recognized in the Comprehensive Plan in 1990 and in 1995. He stated that Staff did an excellent job and hit everything right on. He stated that the property is A-2 -- it was passed that way by the legislative units of Boone County and they ask that it remain A-2.

Mr. Rodney Sexton had no comments.

Mr. George R. Hoffman, representing his two aunts who are elderly and have lived at 851 Stephenson Mill Road since 1920, and continue to farm there, stated that Stephenson Mill Road is not adequate for a large volume of trucks. The road is narrow and when a truck passes a vehicle they are on the edge of the road and there are no shoulders. He stated that 3 or 4 trucks an hour multiplied by the hours of the day is a lot of trucks and will cost the county for improvements to the road. He is concerned about the capacity of the interchange, which is recommended to be improved in the Transportation Plan -- but there is nothing in the Six-Year Plan to increase the capacity of the road. The only thing in the Plan is to add a lane and redo the southbound exit to lengthen it because the trucks back up on the ramp to the interstate. This use uses up the capacity at the intersection, but does not bring the jobs. He stated that trucks hinder development. He is against the request. He reviewed the criteria for approving a Conditional Use Permit. He asked that the Staff recommendation be followed and the Conditional Use Permit denied.

Mr. Charles Webster, 550 Stephenson Mill Road, stated that he has lived in the area most of his life. He is concerned about the safety of the children on the road with the trucks. He drives a semi. He added that there are also horses on the road.

Mr. Emmett Hayes stated that he is opposed to this use of the property. He stated that there are two reasons for a zone change -- a change of conditions in the area, which he believes has not occurred, or a general mistake in the original Comprehensive Plan. He stated that the Comprehensive Plan has just been revised and has tried to create residential areas to serve as buffers between the agricultural and industrial uses. Allowing this use will create industrial there, and there will be industrial uses that link this development all the way back to the expressway.

Judy Robben, 1005 Stephenson Mill Road, a licensed realtor in Kentucky, stated that there will be possible and probably property devaluation. She stated that in real estate appraisal, depreciation refers to any condition that affects a house or other structure. In her opinion, a landfill or other dump site would create a condition known as external environmental obsolescence, which is a condition that cannot be remedied or cured by the owner. The proposal will be detrimental to the community and she asked that it be rejected.

Mr. Jerry Byrd, a resident of Beaver Road, considers himself a neighbor to the area. He stated that the road is not safe. He has been in law enforcement for over 28 years and the intersection is a death trap waiting to happen. He uses 1292 on a daily basis going to work at the Boone County Courthouse and his car is readily identifiable -- but vehicles still blast through the intersection and almost hit him. The road is dangerous. The trucks and traffic will be dangerous to the pedestrians and the people on the road without improvements. No improvements have been proposed. There is already a landfill in the area and he sees garbage trucks from out of state bringing waste into the county and dumping it. Is Boone County to become the dumping area for other states? He asked that the request be denied.

Ms. Geri Maze, a bus driver for the Walton City School District, drives that road and cannot imagine 3 or 4 trucks an hour on the road. She cares about the children and asked that the request be denied. She stated that the bus picks up children in Walton before they even start across Stephenson Mill Road. The road is not big enough for a pick up truck -- let alone a dump truck -- to pass the bus.

Ms. Francis Morrissey stated that her comments had been made.

Mr. Dennis Chen, who bought on Pennington Road in 1994, stated that he has had two close calls with trucks on the first curve of the road -- it is not wide enough for two vehicles and it is dangerous. There is a deep ditch where the blacktop is broken and you can see where people have run off the road and slid across the road. Someone is going to get killed on the road unless something is done. He asked the Planning Commission not to approve the request.

T. A. Bryce, 2199 Stephenson Mill Road, has lived there since 1975 and he is retired. He knows R & K because he used them when he worked for the county and they do a good job. He stated that the Staff Report covered everything well. He stated that the road is narrow and dangerous. He would not want to see the old dump disturbed. He asked what would stop

them from filing a new application later for something else if this Conditional Use is approved now. He stated that the other landfill has stuff from Ohio and other places coming in -- items such as yard waste. He is opposed to the request and feels that the impact on the people would be great -- even if it is a few people.

Mr. Ricky Stephenson, stated that he has a residence and he just got a letter in the mail saying that they were going to change the zoning on his property. He came to hear what is going on. He stated that he works for a blacktop company and knows what it is like to get rid of construction debris. He stated that people in the area put things in the dumpsters unbeknownst to them and it is not just the construction debris. He grew up on the Black farm and hates to see it destroyed -- he would like it to stay pretty. He does not want his property messed up and he would have to be part of this. He stated that the old landfill was on his uncle's property and he saw what was dumped in there -- including chemicals and plastics. The chemicals got into the stream and polluted it. The property was condemned because the Reeve's horses died because they could not drink the water. He is concerned about the old landfill being disturbed.

Ms. Sherry Caldwell did not respond when her name was called. Mr. David Dabey also did not respond. Ms. Jackie Barnatto had no comments. This completed the names from the sign-up list. Mr. McKinney asked if anyone else present wished to speak.

Mr. Eddie Rowan, 1006 Stephenson Mill Road, has three small children and wants them to have the opportunity to live in the rural area like he has. He is concerned about setting a precedent. The Bavarian dump is there, and if this one is allowed, then another one will come along.

Senator Gex Williams, 142 Verona Road, stated that he was speaking as a neighbor, not a senator. He stated that they moved there because of the rural nature of the area. He stated that they have some of the highest property taxes in the state because they are willing to pay to have their children raised in a rural community. He believes this proposal will change the nature of the area. He stated that Staff did a good job. He asked the Planning Commission to oppose this change.

Mr. Jeff Laycamp, 984 Stephenson Mill Road, stated that he has been in the construction industry and knows what goes in these landfills. He stated that there will be trash all up and down the road that falls off the dumptrucks -- including drywall with nails in it. It is a bumpy road and things will bounce off the trucks. He stated that a lot of people out there have horses and haul big trailers, and there is no way they could pass a dump truck.

Mr. Dan Crigey, 14460 Inverness Drive, stated that he owns Verona Commons and is building houses in the \$200,000 - \$700,000 range and they do not want the homes and property devalued because of the dump site. He has talked to others, including Mr. Mueller who lives across the road, and they are against the proposal.

Mr. McKinney asked if there was anyone else present who wished to speak. There being no response, Mr. McKinney thanked the residents for their comments.

Mr. McKinney asked if there were any comments or questions from the Commissioners.

Mr. Caddell stated that the request indicates Ricky Lee Stephenson as one of the applicants. He asked if he was the same person who spoke and did not seem to be aware that the application had been filed. Mr. Stephenson indicated that he is the same person who is shown as the applicant. He stated that he did not apply for this zone change. He stated that he owns the property that they wanted to include, but he did not make this application.

Mr. Huth provided the application to the Chairman.

Mr. Damstrom questioned how the applicant would control what is dumped on the site. He questioned how they would control materials such as lead paint and asbestos when an old building is demolished. Do they have a system to detect such materials?

Mr. Kinman stated that in Kentucky, lead based paint has to be controlled in the demolition. The asbestos has to go to a sanitary landfill that is double lined with an asbestos cell. He stated that a client contracts for a box and Whitton Trucking deposits the box at the construction or demolition site. It is a roll-out box covered with a tarp and the material will not fall out along the road. They know who rented the box and the box is picked up when it is full. The control is knowing who is the generator of the waste. Asbestos is tightly regulated and you have to get a permit to destruct a building with asbestos.

Mr. Damstrom stated that he has yet to see a reason to grant the zone change per the requirements of KRS 100.

Mr. Neltner stated that with new construction there are a certain amount of liquids -- such as tar, adhesive, paint, varnish, and acid cleaners -- he questioned how they police the dumpster so that these materials would not go into the site.

Mr. Kinman stated that those materials are normally used in the construction and there would be the empty containers. The empty containers are considered to be inert and a legal part of construction and demolition debris. Household waste is allowed .04% inside the empty containers. It is such a small percentage of the overall volume of debris that it does not change the inertness of the material and is permissible in a landfill like this.

Mr. Neltner questioned the source for the statistic of .04% inside the containers. Mr. Kinman stated that it is an analogy of how you are allowed to dispose of material in household refuse. You are allowed to throw a paint can away even though it might contain some solvent and it is only .04% of the mass. The .04% would be the residual material in the buckets or cans, or the residue on pieces of carpet that are cut with the

glue on them. It is a very small percentage of the mass of material going into the landfill.

Mr. Neltner asked if Mr. Kinman could provide studies or the source of that statistic. Mr. Kinman advised that he has been researching solid waste for 29 years and can provide 45 publications, many of which have calculations in regard to managing solid waste. He will provide the information requested by Mr. Neltner.

Mr. Viox stated that the applicant indicated that there would be 3 or 4 trucks per hour -- which is about 9,000 trucks in a year. He noted the samples of materials that had been provided and stated that he is concerned about the weight in regard to concrete and steel. The trucks may exceed the weight limits on the road. He stated that that number of trucks is unimaginable on Stephenson Mill Road. With that type of traffic, there would normally be a striped road with two 12-foot lanes. He asked if a traffic study was submitted that addressed the condition of the road in regard to construction, turning radii, safety, or the bridges and culverts along the road.

Mr. Huth advised that the focus of the traffic study was mainly on the Walton interchange and did not get into Stephenson Road being narrow and not in the best of condition. In Staff's opinion, the traffic study did not address the items mentioned by Mr. Viox in regard to Stephenson Mill Road.

Mr. Ries asked if there are environmental guidelines to be considered before putting something on top of the old landfill or disturbing it. He asked if there is anyway to know what is in the old landfill. He is concerned about it polluting the creek again.

Mr. Kinman stated that they have done preliminary engineering. They have not analyzed the garbage buried in the old landfill. It has been 30 years since it received any refuse and the biodegradable materials are degraded and what is not biodegradable is still there. He stated that you can tell by the settling that the material is stabilized. He stated that any problems that were going to occur should have occurred by now. When they get into the full engineering design of the site, they will evaluate that situation carefully and check the records in regard to what is known about what is in there. They have done analyses of the water and sewers on the site, but have not done the complete series of analyses that they will do in final design. They will work on the 30 acres before getting to the old landfill, which is in the fourth phase. There was a study done in 1986 by the Kentucky Cabinet for the Environment and they have all of that data.

Mr. Ries asked if there is a way for the Planning Commission to get an idea of what those samples are. Mr. Costello advised that we have them.

Mr. Brown questioned the maximum weight of the dump trucks and their average width.

Mr. Kinman advised that they are 20 cubic yard boxes and typically haul 20 cubic yards. You figure 2,000 pounds per cubic yard, but that would be a variable since some of the debris is light and some is heavy. Mr. Brown questioned the maximum weight the road can handle. Mr. Kinman advised that garbage trucks and cement trucks go down the road. Mr. Brown questioned why the "No Thru Trucks" sign was put up and when. Mr. Costello stated that this information will be provided to the Committee.

Mr. Brown asked if the road is not adequate, will the applicant improve it wherever it is not in compliance. Is the applicant willing to improve the road?

Mr. Kinman stated that they will work with the county on correcting the road in the area. He cannot speak for the applicant until he has a chance to discuss this, but he would think so.

Mr. McMillian stated that the emphasis has been placed on the I-75 exit. He questioned the I-71 exit, which is a better entrance to this site. He asked if they had considered coming in there. The road is not any better there, but it is straighter and not so hilly. He asked which entrance they were planning to use.

Mr. Kinman stated that they were planning to use the entrance that is there to begin the construction of the site. He stated that the problem with I-71 coming in the back part of the property is that it is a limited access road. They can explore whether they can get permission to use it.

Mr. McMillian questioned Mr. Kinman's response. He stated that it is a through road and not a backdoor. Mr. Kinman stated that he thought Mr. McMillian asked about coming off the I-71 exit since the property backs up to I-71. Mr. McMillian stated that at the Verona exit on I-71 it is not so hilly and curvy. He asked which exit they plan to use.

Mr. Kinman stated that they will be bringing material both north and southbound. Going southbound they could use that exit and northbound they could use the Walton exit. It is possible that they could use both exits. The truck driver will probably take the closest route depending on where he is coming from.

Mr. McKinney stated that Ricky Lee Stephenson was listed as a property owner, but only Denise Black signed the exhibit attached under the ownership section. They have only identified Denise Black as the present property owner and Mr. Stephenson was not mentioned. He asked if Mr. Stephenson is involved in the project.

Mr. Kinman responded "no". He stated that all they have acquired is the Black property and they are negotiating with Mr. Reeves on his property. They have not talked to Mr. Stephenson yet. Mr. McKinney asked if it is an error that he is listed as a property owner. Mr. Kinman advised that he owns the property on the end, but his property is not part of the acreage they are talking about. The 41 acres is from the Black property and the Reeves property.

Mr. McKinney noted the question raised about future Conditional Uses. Mr. Huth stated that anyone in the future wanting a Conditional Use Permit would have to go through this same process if they are also requesting a zone change. If they are just requesting a Conditional Use Permit, it would go in front of the Board of Adjustment. Adjoining property owners are notified and given an opportunity to speak.

Mr. McKinney asked if there were any further questions or comments.

Mr. Nick Benson stated that for household garbage, .04% may be left in a bucket of paint -- but from a construction site there is glue and paint all of the time -- and a household may use two buckets of paint a year. In regard to Mr. Viox' comments about 9,000 trips per year, he stated that that is the problem with the report submitted by the applicant. They did not deal with the condition of the road or trucks on the road. He noted that Mr. Kinman mentioned that there are already cement trucks. He stated that there are cement trucks and the plant is a quarter mile or less down the road on Stephenson Mill -- but that is an industrial zone and the front of Stephenson Mill Road has reasonable width and access. It is after the cement plant that the road is falling apart. All of the houses are beyond the cement plant and the industrial zone. In regard to the weight of the trucks he stated that 20 cubic yards is 40,000 pounds and a weight limit might be 20,000 pounds. He does not know how much effect this will have on the road. He stated that there is a Boone County ordinance/traffic code that talks about truck loads and Stephenson Mill Road and triple axle vehicles are not permitted. There is a reason for the sign that says "No Thru Trucks".

Mr. Benson stated that he used to do a lot of zoning work and he always hears the same thing front the applicant -- if we get the zoning, we will work with the road and we will check the landfill -- but after they get the zoning, control is lost. Once they get started, there is a domino effect -- the next person who wants a Conditional Use Permit can say that he wants another business and he will only have two trucks a day, and you let these people so why not me? This sets a precedent that is not in the interest of the county.

Senator Williams stated that the signs and the access are off KY 14/KY 16, which is a state highway. There was a problem several years ago because of the truck traffic and a number of signs were put up there indicating that the trucks could not come down that road. His conversation with the State Highway Department was that probably a tractor trailer rig empty could run down there, but with any weight it would be an illegal weight limit for KY 16/KY 16 and that is why the Highway Department put signs up there. If they catch a truck that is loaded at all, they are taken to the scales, weighed, and fined. The state will not permit loaded tractor trailers on the road so it is inconceivable that the county would allow a loaded tractor trailer on Stephenson Mill Road.

Mr. T. A. Bryce stated that the other end of Stephenson Mill Road is also narrow and goes down a long hill into a hairpin curve and across a narrow bridge. He does not think there would be any trucks going that way.

Mr. Kevin Byrd of Pennington Road stated that they will start with 2 or 4 trucks per hour, but who is to say how many trucks they will bring in. He stated that we are just going by what they are saying.

Mr. Charlie Webster stated that not too many years ago, there was a weight limit of 8 tons on the road. He stated that a 40,000 pound load and a 20,000 pound truck is 60,000 pounds -- which is way over the limit. He is a professional driver and he would not want to drive on that road with their trucks.

Mr. Elmer Grover, 14502 Walton Verona Road, stated that he was born and raised in Walton. The road is narrow. He stated that Stephenson Mill Road is four miles from Walton to Walton Verona Road and two miles from Walton to where this dump site is. There is two miles on the other end that is just as narrow and just as bad as the Walton exit. He asked that the request be denied.

Mr. Marvin Feltz, who lives in Verona, stated that one of the reasons they do not want to come in on the I-71 end is that they would have to go across the scale. He referred to 401KAR48060, which is the technical requirement for construction and debris landfills, and noted that it says under Part B on Page 4 of Part 4, that a certified operator shall be on duty when a site is open. It then says that an owner or operator shall implement a program at the facility for detecting and preventing the disposal of unauthorized waste. The program shall include at a minimum observation of the load and training of facility personnel to recognize unauthorized waste. He stated that it scares him when companies police themselves. He stated that nobody else is going to check these dumpsters and the only person who says what is in there is okay is one of their own employees. Who will they protect? The people who live around the facility or their own company that pays their check? He stated that he has been in construction most of his life and that if you fill one of these dumpsters with concrete, you will have a lot of more than 40,000 pounds.

Mr. Cecil Emerson stated that he is building a home out there and was not aware of this until Saturday. He stated that the road is problem. Just up from this site, part of Stephenson Mill Road fell off two years ago and has been redone. He has a dumpster on his land now and what the people are saying is true -- it is not stuff to be dumped at the end of the road. This facility will ruin the property out there. He stated that Walton is growing and property values are going up. This facility will not help the property values. It is not fair to the residents in the area for this to open. The road is hazardous.

Mr. Jeff Tangle, 1373 Walton Verona Road, stated that he is an environmental consultant. He stated that under the Resources Conservation and Recovery Act, people are allowed to dispose of empty containers that contain one inch or less of residual material. With one inch, the container is considered empty and can be legally disposed of in a landfill like this. He stated that he has done work on landfills. He stated that if you have roll off boxes setting outside, people brings things and put them in there. They left one outside in Cincinnati and the next morning there were four cans full of paint thinner, paint, and household chemicals

including pesticides. He stated that there is no way for a group like Whitton Trucking to police every container they get. He stated that Mr. Kinman indicated that after 30 years, the old landfill would be gone -- but after 30 years there would be very little biodegraded, particularly wood. Running heavy equipment over the old landfill will cause compaction and setting and there is the chance of disturbing it and causing a release of materials that might be present. He stated that this property contains two ponds and an intermittent stream, which are regulated by the Clean Water Act. He stated that Whitton Trucking will be unable to develop this property unless they apply for permits and mitigate the impacts. He stated that it is inappropriate for the Planning Commission to approve a project like this until they have applied for and receiving the environmental permits they will need. He asked that the request be denied.

Mr. Fred Johnson showed an exhibit containing pictures of the road -- including a picture of pick up trucks side by side on some of the larger portions of the road. He stated that from the top of Stephenson Mill Road to the end, there are 59 houses. There are 59 people who ride on the road even after dark. He stated that there are so many bad curves that the county put up a "Caution - Horses" sign.

Wanda Cole, 1464 Stephenson Mill Road, stated that where the road slipped off was her father's farm. She stated that the road is historic. In 1812 there was a grist mill there. She stated that the dump was started there when she was 8 years old. The fish in the creek were destroyed and malformed. There was a deer that was malformed. She was upset when she came back eleven years ago that no one removed the slave graves. She would like the county to restore the cemetery as a park. She stated that she and her father will never sell their property to a housing development.

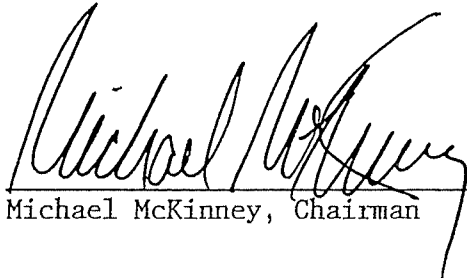
Mr. Kinman stated that there was not time to address all of the technical issues. He noted that a gentleman said that wood does not biodegrade -- which makes his point that it is inert material. He stated that under the Resources Recovery Conservation Act, solid waste management is the responsibility of the county. The county has the responsibility to provide for the disposal of solid waste -- which includes construction and demolition waste. Boone County exports more solid waste than it takes in. He stated that what they are proposing is part of a federal program to properly manage solid waste. In regard to lowering property values, he stated that there were pictures of beautiful homes in the area built next to an existing sanitary landfill and he does not see any depreciation of the home in the area. He stated that the one inch rule relates to 55 gallon steel drums from industry and they are reconditioned. He stated that the containers in construction and demolition type operations are basically empty and will not create a major problem. He stated that under the regulations, they do not necessarily have to put in a leachate collection facility because the material is basically inert. He feels that they can work out the road. He stated that they would be glad to answer any questions about the facility and provide data.

Alma Pott stated that Mr. Kinman is working for a client and getting paid. She stated that they are paying a lawyer. She stated that everyone in the room lives out there. They have beautiful homes they have worked hard to maintain. She stated that the Planning Commission should say "no go". She stated that if Whitton Trucking is from Ohio, let them find a place in Ohio.

There being no further comments, Mr. McKinney stated that the Committee Meeting for this item will be on July 7, 1997 at 4 P.M. in the second floor conference room. Anyone attending should call the Staff prior to the meeting as it may have to be moved to a larger meeting area. He advised that no additional testimony will be taken at the Committee Meeting. This item will be on the Agenda for the business Meeting on July 16, 1997 at 7:30 P.M.. There will not be any additional testimony taken at that time.


The Chairman closed this Public Hearing and called for a short recess.

APPROVED:



Michael McKinney, Chairman

Attest:



Jan Hancock, Recording Secretary

MINUTES
BOONE COUNTY FISCAL COURT
September 9, 1997
10:00 A.M.

Commissioner Campbell stated that he strongly agrees with the Planning Commission recommendation and moved, seconded by Commissioner Patrick, to approve Resolution No. R-08-12-97-01-PZ, a resolution of the Boone County Fiscal Court recommending denial for the request of Whitton Trucking (Applicant) for Denise Black (Owner) for a Zoning Map Amendment and Conditional Use Permit, such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Agriculture (A-1) for an 18.15 acre site located at 1122 Stephenson Mill Road, as recommended unanimously for denial by the Boone County Planning Commission and based on their Findings of Fact via R-97-012-D. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "D"

Judge Lucas stated that he felt some of the information submitted had not been heard by the Planning Commission at their Public Hearing and they should be admonished accordingly.

RESOLUTION NO. R-09-09-97-01 - KY 237

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve Resolution No. R-09-09-97-01, a resolution authorizing the Boone County Judge/Executive to enter into an agreement between the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways and Boone County, Kentucky for the purpose of improving KY 237 by widening and reconstruction a section of KY 237. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "E"

ORDINANCE NO. 09-97-01 - CLARION CORPORATION

Judge Lucas presented for First Reading Ordinance No. 09-97-01, an ordinance of the Fiscal Court Of Boone County, Kentucky, providing for a credit of its Occupational License Fee for new employees as part of an economic development project by Clarion Corporation of America under the Kentucky Jobs Development Act (KJDA) under (KRS 154.24.010-.160, KRS 141.120, KRS 141.350 and KRS 141.407). Judge Lucas advised a Public Hearing and Second Reading will be advertised for the meeting of September 30th, which begins at 5:30 p.m.

NIELSEN COMPANY - AMENDMENTS

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve the Amendments to the Development Agreement with the Nielsen Company as presented. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "F"

ITEM VIII. PERSONNEL MATTERS

Commissioner Meihaus moved, seconded by Commissioner Campbell, to upgrade Brian Avery from Seasonal Laborer to Seasonal Equipment Operator at the Grade/Step of 3/A, \$7.10 per hour. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.