

EXHIBIT
“C”

ZONING MAP AMENDMENT APPLICATION FORM

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Project Jurisdiction/Location

BOONE <input checked="" type="checkbox"/>	FLORENCE <input type="checkbox"/>	WALTON <input type="checkbox"/>	UNION <input type="checkbox"/>
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2. Names of Applicant(s)

Applicant	Martin Marietta Materials, Inc. (Contact Person Russell B. Willard)
Phone Number	(336) 668-3253
Fax No.	(336) 668-1092
Applicant's Address	416 M Gallimore Dairy Road

City Greensboro	State NC	Zip 27409
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3. Name of Property Owner(s)

Owner of Property	Martin Marietta Materials, Inc. (option pending)
Owner's Address	6450 Sandlake Road
Phone Number	(937) 454-1128

City Dayton	State OH	Zip 45414-2659
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Owner of Property	Bedrock Investment, LLC
Owner's Address	10641 Techwoods Circle, Suite 102
Phone Number	(513) 769-1700

City	Cincinnati	State	OH	Zip	45242-2846
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Owner of Property	Sawyer Place Company
Owner's Address	3033 Eastern Avenue
Phone Number	(513) 533-7604

City	Cincinnati	State	OH	Zip	45206
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Owner of Property	Guttman Enterprises Limited Partnership
Owner's Address	7420 Montgomery Road
Phone Number	(513) 984-0300

City	Cincinnati	State	OH	Zip	45236
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4. Name of Project

Martin Marietta Aggregates Facility

5. Location of Project

North side of I-275, Petersburg, KY, Interchange, Boone County, KY

6. Acreage

Acreage Under Review	575 +/-	Acreage of Site	575 +/-
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7. Current Zoning of Site

A2

8. Proposed Zoning (Classification being requested)

I-4

9. Proposed Uses (please specify each use)

The underground extraction, processing, and sale of processed materials and all related activities.

10. Proposed Building Intensities (please specify)

N/A

11. Are there any existing buildings on the site?

yes	X	no	How many?	13
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12. Parcel Information

Deed Book	Page No.	Group No
672	180	2000
667	137	
515	258	
515	264	
517	153	

13. Are you also applying for:

Conditional Use Permit	NO	Dimensional Variance	YES
------------------------	----	----------------------	-----

14. Have you submitted a Concept Development Plan?

yes	X	no
-----	---	----

15. Have you had a pre-application meeting with BCPC Staff?

yes	X	no
-----	---	----

16. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

X	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
X	Kentucky Transportation Department
	City of Florence, Public Services Department
	Boone County Building Department
	Northern Kentucky Health Department
	U.S. Soil Conservation Service
	Local School District
	Local Fire District
X	Other Boone County, Parks

17. Applicant's Signature **MARTIN MARIETTA MATERIALS, INC.**

BY: 

Property Owner's Signature:


BEDROCK INVESTMENT, LLC

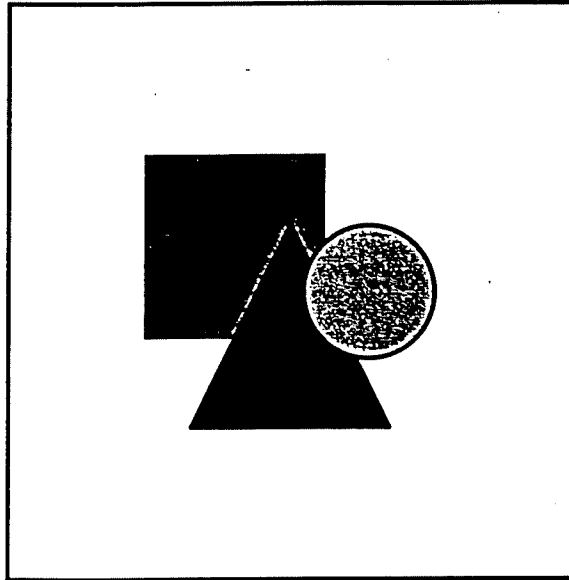
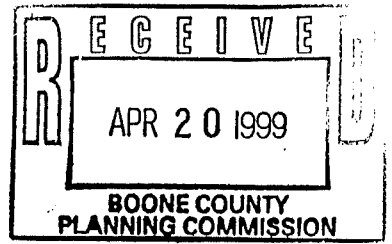
BY: 

SAWYER PLACE COMPANY

BY: 

GUTTMAN ENTERPRISE LIMITED PARTNERSHIP

BY: 



SECTION B (To be completed by BCPC Staff)

1. Date Received

month	April	day	20	year	1999
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2. Fee Received \$ 8526.00 R# 20236

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
---	-----------------------------

3. Check what has been submitted:

<input checked="" type="checkbox"/>	Application
<input checked="" type="checkbox"/>	Fee
<input checked="" type="checkbox"/>	Legal Description
<input checked="" type="checkbox"/>	Concept Development Plan
<input checked="" type="checkbox"/>	Address of Adjoining Property Owners

5	Number of copies of plan received**
---	-------------------------------------

4. Is application complete?

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
---	-----------------------------

5. Staff Reviewer

KELIN WALL

6. Committee Chairman

LARRY BROWN

7. Scheduled Public Hearing Date 5/26/99

8. Boone County Planning Commission Action: 8/4/99

Approved <input type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input checked="" type="checkbox"/>
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9. Other:

** Five (5) Copies Are Required

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

**APPLICATION FOR I-4 VARIANCE
BOONE COUNTY PLANNING COMMISSION**

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

1. Jurisdiction (Check One)

BOONE <input checked="" type="checkbox"/>	FLORENCE <input type="checkbox"/>	WALTON <input type="checkbox"/>	UNION <input type="checkbox"/>
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2. Type (Check One)

Conditional Use Permit	<input type="checkbox"/>
Variance	<input checked="" type="checkbox"/>
Appeal	<input type="checkbox"/>
Change in Non-Conforming Use	<input type="checkbox"/>

3. Applicant Information

Applicant's Name	MARTIN MARIETTA MATERIALS, INC. (Contact Person: Russell B. Willard)
Phone Number	(336) 668-3253
Fax No.	(336) 668-1092
Applicant's Address	416 M Gallimore Dairy Road

City Greensboro	State North Carolina	Zip 27409
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4. Description of Request

See Attachment A

5. Name of Development

Martin Marietta Aggregates Facility

6. Location of Development

North side of I-275, Petersburg, KY, Interchange, Boone County, KY
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7. Acreage

Acreage Under Review	575+/-	575 +/--Acres
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8. Lot Information

Lot Number	N/A	Name of Subdivision	N/A
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9. Owner Information

Owner of Property	Martin Marietta Materials, Inc. (option pending)	
Phone Number	(937) 454-1128	
Fax No.	(937) 454-2900	
Applicant's Address	6450 Sandlake Road	
City Dayton	State OH	Zip 45414-2659

9. Owner Information (Continued)

Owner of Property	Bedrock Investment, LLC		
Phone Number	(513) 769-1700		
Fax No.			
Applicant's Address	10641 Techwoods Circle, Suite 102		
City	Cincinnati	State	OH Zip 45242-2846

Owner of Property	Sawyer Place Company		
Phone Number	(513) 533-7604		
Fax No.			
Applicant's Address	3033 Eastern Avenue		
City	Cincinnati	State	OH Zip 45206

Owner of Property	Guttman Enterprises Limited Partnership		
Phone Number	(513) 984-0300		
Fax No.			
Applicant's Address	7420 Montgomery Road		
City	Cincinnati	State	OH Zip 45236

10. Proposed Use(s) on Site

The underground extraction, processing, and sale of processed materials and all related activities
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11. Total Square Footage of Existing and/or Proposed Buildings

Existing: 10,890	Proposed: 18,300
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12. Zoning

Current Zoning on Property	A2
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13. Parcel Information

Deed Book	672	Page No.	180	Group No.	2000
Deed Book	667	Page No.	137	Group No.	
Deed Book	515	Page No.	258	Group No.	
Deed Book	515	Page No.	264	Group No.	
Deed Book	517	Page No.	153	Group No.	

14. Is the site subject to a zone change?

No	Yes	X	If yes, give date of approval	Application for zone change filed with the
			Application	

15. Have you submitted a Site Plan with this request?

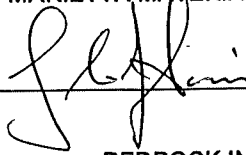
No	Yes	X
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16. Have you submitted a list of adjoining property owners with this request?

No	Yes	X
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17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

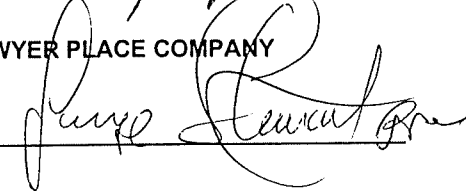
Applicant's Signature **MARTIN MARIETTA MATERIALS, INC.**

BY: 

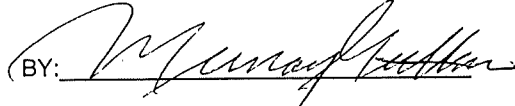
Property Owner's Signature: **BEDROCK INVESTMENT, LLC**

BY: 

SAWYER PLACE COMPANY

BY: 

GUTTMAN ENTERPRISE LIMITED PARTNERSHIP

BY: 

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received Fee Received

Month Day Year

2. Fee Received

No Yes

3. Is application complete?

No Yes

4. Staff Reviewer

5. Scheduled Board Action Date

Month Day Year

6. Board Action:

Approved Approved with Conditions (See #6) Denial (See #7)

7. Conditions of Approval:

8. Reasons for Denial:

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.
Site Plan Review is not granted by the appropriate Board of Adjustment.
An application consists of all fees paid in full, submitted drawings and a completed application form.

Send Application To:

ATTACHMENT A

4. Description of Request

This request for a dimensional variance is being submitted in conjunction with the application of Martin Marietta Materials, Inc. for zoning map amendment on the same property from A2 to I-4. Applicant is seeking a dimensional variance from the provisions of Section 1189-2 of the Zoning Order of Boone County, Kentucky, which states:

Any I-4 zone shall not be located within 3,000 feet of an existing residential subdivision development, existing residential zoning, or planned (Future Land Use Map) Suburban Residential, High Suburban Density Residential, or Urban Density Residential area. Any part of the proposed I-4 zone district boundary that is designed to solely accommodate access to the I-4 zone is exempt from the 3,000-foot requirement. However, no mining or related activities may take place in any portion of an I-4 zone exempt from the 3,000-foot requirement for access purposes.

Pursuant to Section 251 and Section 303 of the Zoning Order, Martin Marietta Materials is requesting a variance to allow:

- a) all subsurface activities, a pond, and a berm to be located within 3,000 feet of but no closer than 1,500 feet of an existing residential subdivision development, existing residential zoning, or planned (Future Land Use Map) Suburban Residential, High Suburban Density Residential, or Urban Density Residential area. The proposed extent of the subsurface activities are identified on Drawing No. U-1, Underground Quarry Plan. The locations for the pond and berm are shown on Drawing No. DP-2, Concept Plan/Surface Activity Site Plans. All drawings are contained in the accompanying Application for I-4 Variance Map Volume.
- b) limited surface activities, including scales, wheel wash, and portions of the plant and facilities area — all as further shown on Drawing No. DP-2, Concept Plan/Surface Activity Site Plan — to be located within 3,000 feet of but no closer than 1,000 feet of an existing residential subdivision development, existing residential zoning, or planned (Future Land Use Map) Suburban Residential, High Suburban Density Residential, or Urban Density Residential area.

ZONING MAP AMENDMENT APPLICATION FORM

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Project Jurisdiction/Location

BOONE X	FLORENCE	WALTON	UNION
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2. Names of Applicant(s)

Applicant	Martin Marietta Materials, Inc. (Contact Person Russell B. Willard)
Phone Number	(336) 668-3253
Fax No.	(336) 668-1092
Applicant's Address	416 M Gallimore Dairy Road

City Greensboro	State NC	Zip 27409
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3. Name of Property Owner(s)

Owner of Property	Martin Marietta Materials, Inc. (option pending)
Owner's Address	6450 Sandlake Road
Phone Number	(937) 454-1128

City Dayton	State OH	Zip 45414-2659
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Owner of Property	Bedrock Investment, LLC
Owner's Address	10641 Techwoods Circle, Suite 102
Phone Number	(513) 769-1700

City Cincinnati	State OH	Zip 45242-2846
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Owner of Property	Sawyer Place Company
Owner's Address	3033 Eastern Avenue
Phone Number	(513) 533-7604

City Cincinnati	State OH	Zip 45206
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Owner of Property	Guttman Enterprises Limited Partnership
Owner's Address	7420 Montgomery Road
Phone Number	(513) 984-0300

City Cincinnati	State OH	Zip 45236
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4. Name of Project

Martin Marietta Aggregates Facility

5. Location of Project

North side of I-275, Petersburg, KY, Interchange, Boone County, KY

6. Acreage

Acreage Under Review	575 +/-	Acreage of Site	575 +/-
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7. Current Zoning of Site

A2

8. Proposed Zoning (Classification being requested)

I-4

9. Proposed Uses (please specify each use)

The underground extraction, processing, and sale of processed materials and all related activities.

10. Proposed Building Intensities (please specify)

N/A

11. Are there any existing buildings on the site?

yes	<input checked="" type="checkbox"/>	no	How many?	13
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12. Parcel Information

Deed Book	Page No.	Group No
672	180	2000/2003
667	137	
515	258	
515	264	
517	153	

13. Are you also applying for:

Conditional Use Permit	NO	Dimensional Variance	NO
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14. Have you submitted a Concept Development Plan?

yes	<input checked="" type="checkbox"/>	no
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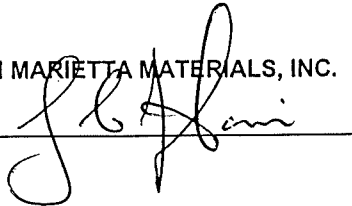
15. Have you had a pre-application meeting with BCPC Staff?

yes	<input checked="" type="checkbox"/>	no
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16. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

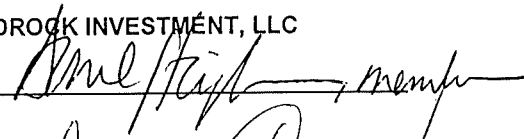
X	Boone County Water and Sewer District
	Florence Water and Sewer Commission
	Union Light Heat and Power
	Cincinnati Bell
	Owen County Rural Electric
	Boone County Public Works Department
X	Kentucky Transportation Department
	City of Florence, Public Services Department
	Boone County Building Department
	Northern Kentucky Health Department
	U.S. Soil Conservation Service
	Local School District
	Local Fire District
X	Other Boone County, Parks

17. Applicant's Signature **MARTIN MARIETTA MATERIALS, INC.**

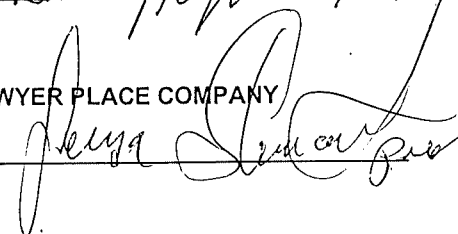
BY: 

Property Owner's Signature:

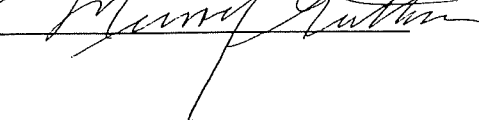
BEDROCK INVESTMENT, LLC

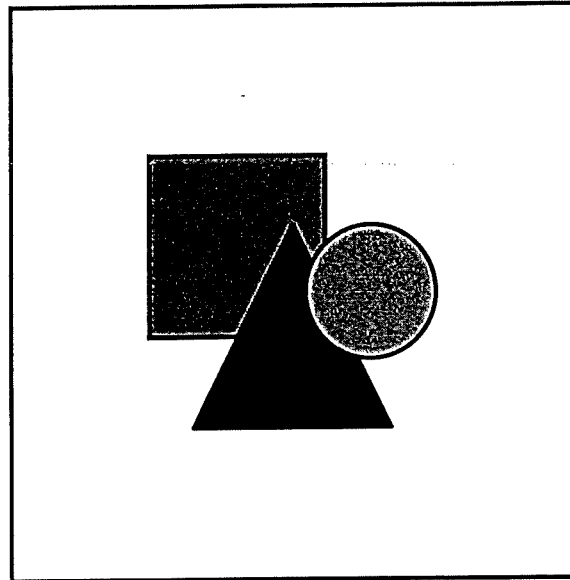
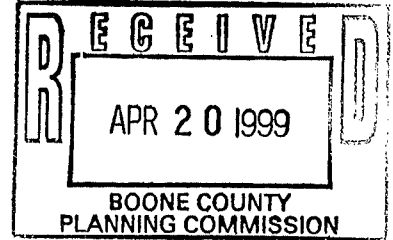
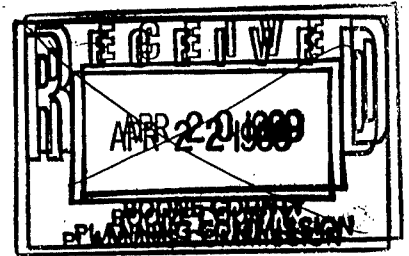
BY: 

SAWYER PLACE COMPANY

BY: 

GUTTMAN ENTERPRISE LIMITED PARTNERSHIP

BY: 



SECTION B (To be completed by BCPC Staff)

1. Date Received

month	April	day	20	year	1999
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2. Fee Received \$126.00 R# 20236

yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
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3. Check what has been submitted:

<input checked="" type="checkbox"/>	Application
<input checked="" type="checkbox"/>	Fee
<input checked="" type="checkbox"/>	Legal Description
<input checked="" type="checkbox"/>	Concept Development Plan
<input checked="" type="checkbox"/>	Address of Adjoining Property Owners

5	Number of copies of plan received**
---	-------------------------------------

4. Is application complete?

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
---	-----------------------------

5. Staff Reviewer

KENNY WALL

6. Committee Chairman

LARRY BROWN

7. Scheduled Public Hearing Date 5/26/99

8. Boone County Planning Commission Action: 8/4/99

Approved <input type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input checked="" type="checkbox"/>
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9. Other:

** Five (5) Copies Are Required

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

ZONING MAP AMENDMENT APPLICATION FORM

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Project Jurisdiction/Location

BOONE <input checked="" type="checkbox"/>	FLORENCE	WALTON	UNION
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2. Names of Applicant(s)

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City Greensboro	State NC	Zip 27409
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Phone Number	(513) 533-7604

City Cincinnati	State OH	Zip 45206
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Owner's Address	7420 Montgomery Road
Phone Number	(513) 984-0300

City Cincinnati	State OH	Zip 45236
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4. Name of Project

Martin Marietta Aggregates Facility

5. Location of Project

North side of I-275, Petersburg, KY, Interchange, Boone County, KY

6. Acreage

Acreage Under Review	575 +/-	Acreage of Site	575 +/-
----------------------	---------	-----------------	---------

7. Current Zoning of Site

A2

8. Proposed Zoning (Classification being requested)

I-4/PD/CD

9. Proposed Uses (please specify each use)

The underground extraction, processing, and sale of processed materials, outdoor passive recreation, and all related activities.

10. Proposed Building Intensities (please specify)

N/A

11. Are there any existing buildings on the site?

yes	X	no	How many?	13
-----	---	----	-----------	----

12. Parcel Information

Deed Book	Page No.	Group No
672	180	2000
667	137	
515	258	
515	264	
517	153	

13. Are you also applying for:

Conditional Use Permit	NO	Dimensional Variance	YES (Alternative Application)
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14. Have you submitted a Concept Development Plan?

yes	X	no
-----	---	----

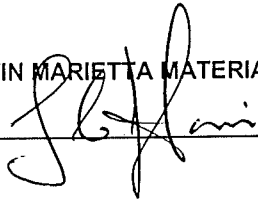
15. Have you had a pre-application meeting with BCPC Staff?

yes	X	no
-----	---	----

16. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

X	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
X	Kentucky Transportation Department
	City of Florence, Public Services Department
	Boone County Building Department
	Northern Kentucky Health Department
	U.S. Soil Conservation Service
	Local School District
	Local Fire District
X	Other Boone County, Parks

17. Applicant's Signature **MARTIN MARIETTA MATERIALS, INC.**


BY: 

Property Owner's Signature:

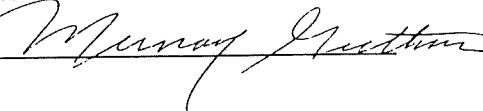
BEDROCK INVESTMENT, LLC

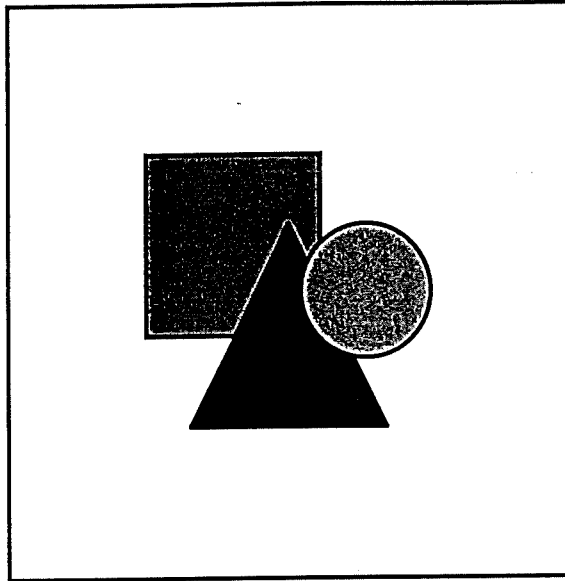
BY:  member

SAWYER PLACE COMPANY

BY: 

GUTTMAN ENTERPRISE LIMITED PARTNERSHIP

BY: 



SECTION B (To be completed by BCPC Staff)

1. Date Received

month	day	year
-------	-----	------

2. Fee Received

yes	no
-----	----

3. Check what has been submitted:

	Application
	Fee
	Legal Description
	Concept Development Plan
	Address of Adjoining Property Owners

Number of copies of plan received**

4. Is application complete?

yes	no
-----	----

5. Staff Reviewer

KELVIN WALL

6. Committee Chairman

LARRY BROWN

7. Scheduled Public Hearing Date

5/26/99

8. Boone County Planning Commission Action:

8/4/99

Approved	Approved with Conditions	Denial <input checked="" type="checkbox"/>
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9. Other:

** Five (5) Copies Are Required

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

EXHIBIT

“A”

STAFF REPORT

May 26, 1999

Request of Martin Marietta Materials, Inc. (applicant) for Martin Marietta Materials, Inc. (option pending), Bedrock Investment, LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners) to consider a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four "Subsurface Mining District" (I-4) for an approximate 575 acre site located on the north side of I-275 at the Petersburg (KY 8) interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The request is for a zone change to allow the underground extraction, processing, and sale of processed materials and all related activities pertaining to subsurface mining operations.

Request of Martin Marietta Materials, Inc. (applicant) for Martin Marietta Materials, Inc. (option pending), Bedrock Investment, LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners) to consider a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four "Subsurface Mining District"/Planned Development (I-4/PD) for an approximate 575 acre site located on the north side of I-275 at the Petersburg (KY 8) interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The request is for a zone change to allow the underground extraction, processing, and sale of processed materials and all related activities pertaining to subsurface mining operations, and an outdoor recreational trail facility.

Request of Martin Marietta Materials, Inc. (applicant) for Martin Marietta Materials, Inc. (option pending), Bedrock Investment, LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners) to consider a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four "Subsurface Mining District" (I-4), and a Variance from Section 1189 "Geographic Requirements," Subsection 2, for an approximate 575 acre site located on the north side of I-275 at the Petersburg (KY 8) interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The request is for a zone change to allow the underground extraction, processing, and sale of processed materials and all related activities pertaining to subsurface mining operations, and a variance from a 3,000 foot separation standard required between the proposed I-4 zone and certain types of residential areas.

REQUEST

As noted above, the applicant has submitted three different zone change applications from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four (I-4) for 575 acres that is located on the north side of I-275 at the Petersburg interchange. The zone change area is located on both sides of Garrison Creek Road; the area on the north side of Garrison Creek Road extends westward from nearby the Bullitsburg Baptist Church to the area adjoining the terminus of Garrison Creek Road. The site is predominately zoned A-1 and A-2, with a small area near the interchange that is zoned C-3.

The first application is simply for a zone change to the I-4 zone. The second application is for a zone change to I-4 in conjunction with a variance request from Section 1189 "Geographic Requirements," Subsection 2 to allow a reduction in the minimum 3,000 foot separation required between the I-4 zone and certain types of residential uses (1,500' shown for subsurface activities; approximately 1,800' separation shown to the existing Gaines House that is proposed to be reused as an on-site residence and field office, approximately 2,100' separation shown to the "office and scale house," and 2,350' shown to the closest stockpile). The written variance application materials request this separation to be reduced to 1,500 feet for subsurface activities and 1,000 feet for surface activities.

The third application is for a zone change to I-4/PD. In addition to the subsurface mining related uses, this application also includes a recreational loop trail and ancillary parking in the western part of the site on the north side of Garrison Creek Road. A variance per se is not requested with this application, but the application does request a relaxation in the 3,000 foot separation requirement discussed above as permitted by the Planned Development overlay zone.

The following basic components of the facility are uniform in all three applications:

- Construction of a paved driveway from the Petersburg interchange into the site. This driveway will essentially act as an extension of KY 8 from the interchange into the site. Garrison Creek Road will remain in place (the new driveway will intersect with Garrison Creek Road). Garrison Creek Road between this new driveway and Garrison Creek itself and the portal area is proposed to be upgraded to subcollector standards (28' pavement width). Landscape buffering and stone masonry signage monuments are proposed along the new driveway.

- Surface operations are proposed in the eastern part of the site, just north of the first curve in the Garrison Creek Road (where the road changes from basically a north/south road to an east/west road). These operations include office uses, scale house, sorting, crushing, stockpiling, water sedimentation basins, etc. Future asphalt and concrete production areas are planned in the surface operations area, however, such facilities are not part of the present applications (these uses are Conditional Uses in the I-4 zone). A minimum 200 foot "no disturb" area setback is shown along the property lines that are immediately north and east of the surface operations area. Berming is proposed around the perimeter of the surface operations area. A wheel wash facility is proposed to be located on the main driveway approximately 580 feet north of Garrison Creek Road, and the driveway between the wheel wash facility and Garrison Creek Road is proposed to be paved, both for the I-4/variance and the I-4/PD applications. For the "straight" I-4 application, the wheel wash facility is located outside of the required 3,000 foot separation and the main driveway is paved for the initial 625 feet that is immediately north of Garrison Creek Road.
- Use of the existing Gaines House as an on-site residence and field office.
- The subsurface portal area is proposed in the approximate midpoint of the site along the north side of Garrison Creek Road and along the east side of Garrison Creek itself. The portal area will include employee parking, several ancillary structures, and an overland conveyor that would transport materials between the portal area and the surface operations area in the eastern part of the site. The portal area includes approximately 4 acres on the surface.
- A "potential" water storage lake/basin and several ventilation shafts are proposed in the western part of the site (i.e., west of Garrison Creek and the portal area).
- No surface activities, except for the proposed driveway, are proposed in the southern part of the site (between I-275 and Garrison Creek Road).
- The surface areas outside of the surface operations area, portal area, above ground conveyor, ventilation shafts, and potential water storage basin (and related pipe work) are proposed to be undisturbed.
- Primary crushing of materials is proposed to occur in the subsurface area of the mine as soon as adequate space has been created. Secondary crushing is proposed to occur in the surface operations area.

The following basic components of the proposal vary depending on the specific application:

- The surface operations areas are identical for the I-4/variance and I-4/PD applications (approximately 64 acres). The requested encroachment into the required 3,000 foot separation area by the surface operations area is discussed above. The surface operations area is smaller for the "straight" I-4 application at approximately 32 acres (is proposed to observe the 3,000 foot requirement).
- The subsurface operations for the straight I-4 application is proposed to observe the 3,000 foot separation requirement discussed above (contained completely on the north side of Garrison Creek Road) whereas this separation is proposed to be reduced to 1,500 feet for the other two applications (would include some area on the south side of Garrison Creek Road).
- The recreational loop trail is proposed only as part of the I-4/PD application in an effort to create a mixed-use development as sought by Article 15 "Planned Development District" of the Boone County Zoning Regulations.

Centralized water and sanitary disposal systems are not proposed. Water supply and sanitary disposal are discussed in the application materials. In addition, a traffic report, discussion of archaeological and historic resources, noise and vibration studies, and an overview of the proposed operations are also provided in the application materials. The application materials include discussions on how the applicant contends that these applications fulfill the statutory criteria for the granting of zone changes and how the requested variance fulfills the statutory criteria for the granting of the same.

SITE CHARACTERISTICS

The site contains approximately 575 acres. The southern-most part of the site adjoins the Petersburg/KY 8 interchange, and the site is located along both sides of Garrison Creek Road where said road runs between the interchange and the Delph House (near the entrance to the Baptist Association church camp). The site is mostly wooded hillside area, but it does have pasture areas in the flatter portions of the southern part of the site near the interchange and in the eastern part of the site. The site contains a cluster of structures (mostly agricultural structures), including the historic Gaines House. A farm pond is located near this cluster of structures. Several overhead utility lines exist on the site. Garrison Creek runs across the northern boundary of the eastern part of the site, and then curves and runs through the approximate center of the site in a north/south manner; a

driveway/gravel road that is used to access the unrelated property to the north of the subject site runs along this part of the creek (gravel road runs through the subject property). The 1883 Atlas of Boone, Kenton and Campbell Counties shows a road that connects to Garrison Creek Road just north of the Bullitsburg Baptist Church cemetery and runs along the eastern boundary of the site. Public water and sanitary sewer service are not currently in the vicinity.

ADJOINING LAND USES AND ZONING

- A. The area to the north and east of the site is largely wooded hillsides that contain a few residences (A-1). A cellular communications monopole is located to the north adjacent to one of these residences. The Ohio River is located further to the north. The Williams Road/Merrell Road area is located further to the east and includes farms, wooded areas, residences, and a golf course (A-1, A-2, SR-1, and R).
- B. The area to the south of the eastern part of the site (east of the Petersburg interchange) includes the Bullitsburg Baptist Church and cemetery (C-3), a residence on Garrison Creek Road immediately north of the church (C-3), a couple residences along the old Bullitsburg Church Road (RSE), a cellular communications monopole along the north side of I-275 (PF), and wooded areas and pasture areas to the east of these uses (A-1).
- C. A combination of pastures and residences (RSE, RS, and C-3), the Answers in Genesis site including a cellular communications lattice tower (PF), and a concrete plant (I-2) are located further to the south across I-275.
- D. Several residences are located to the west of the subject site along the north/south section of Garrison Creek Road near the Ohio River (A-1). The areas adjoining this section of Garrison Creek Road are largely wooded hillsides (A-1).
- E. The area along the east/west section of Garrison Creek Road (middle section immediately south of the western section of the subject site that is on the north side of the road, and immediately west of the southern section of the subject site that is on the south side of the road) contains a few single family residences (including the historic Delph House), pasture and wooded hillside areas (all are zoned A-1), and the Baptist Association church camp (R). Garrison Creek itself parallels the road in this area.

- F. The area along the south side of I-275, west of the interchange, contains several farms, wooded areas, a number of single-family residences, and a bed and breakfast, notably along Stevens Road (combination of A-1, RSE, and C-3 near the interchange itself).

HISTORY OF ISSUE AND SITE

- 1974 A zone change from Agricultural Three to Planned Development for a portion of the subject property (approximately 155 acres) was recommended for approval by the Planning Commission on January 9. This zone change later became moot as a result of the Creative Displays decision.
- 1980 The current A-1, A-2, and C-3 zoning for the site was adopted in 1980 as part of the Official Zoning Map and Zoning Regulations that were prepared by KZF, Inc.
- 1995 On March 15, a staff report on The Feasibility of a Text Amendment to the Boone County Zoning Regulations was presented to the Boone County Planning Commission to evaluate subsurface mining as a permitted use. This report was subsequently revised by the Planning Commission's Long Range Planning Commission. The amended report was presented to the Boone County Fiscal Court on May 9.
- 1996 Draft regulations to permit subsurface mining in Boone County were considered through the 1996 Zoning Update, but were not included in the Zoning Regulations that were recommended for approval by the Planning Commission and subsequently adopted by the legislative bodies.
- 1997 On October 29, the Planning Commission conducted a Public Hearing for a Zoning Text Amendment which would add the "Industrial Four" (I-4) zone to the Boone County Zoning Regulations. This amendment would permit subsurface mining and related activities in Boone County. The Planning Commission recommended that the I-4 amendments be adopted on December 17.
- 1998 The Fiscal Court adopted the I-4 Zoning Text Amendments on February 10.

RELATIONSHIP TO 1995 BOONE COUNTY COMPREHENSIVE PLAN

The site is described on the Boone County 2020 Future Land Use Map as Rural Lands (RL), Developmentally Sensitive (DS) and Rural Density Residential (RD). As noted on page 207 of the Land Use Element, the Comprehensive Plan utilizes a 25 year planning horizon. As a result the Future Land Use Map indicates planned land uses for the year

2020. The Plan is a tool designed to enable Boone County and the Planning Commission to manage the location and timing of the various types of development to assure that adjoining land uses are compatible, and to assure that negative impacts to the environment are minimized.

The Land Use Element addresses urban service areas, and recommends that some areas of the county remain rural or low density development until it is reasonable to extend urban services and there is enough development mass to efficiently make use of the services. The Land Use Element also states on page 207 that urban services are not the only criteria, but that there are many other considerations to take into account to determine whether development is appropriate or not.

The Developmentally Sensitive (DS) classification is described on pages 207 and 208, and provides notification that there are slope or other stability considerations that must be addressed in proposed development.

The Rural Lands classification calls for very low density residential development in a mainly agricultural or open space area.

Rural Density Residential could develop as one dwelling unit per acre as a general maximum density over the affected area.

The Future Land Use Development Guidelines section of this element recommends utilizing existing topography and vegetation on development sites. This is particularly important where areas are designated as DS. The portal area and settling ponds of the mine development are shown in the DS area. The Element goes on to recommend retaining wooded stream valleys as greenbelts. The Environment Goals and Objectives and the Environment Element recommend that detailed inventory and analysis of resources within the DS area occur for each development. The applicant has not performed such an analysis, and staff is concerned that the proposed portal area and conveyor system directly impacts a DS area.

According to U.S. Geological Survey Maps, parts of the site contain the Kope Formation, which consists of interbedded shale and limestone bedrock layers. Where exposed, these layers are prone to slippage and landslide conditions. The portions of the site most affected by this situation are the lower portions of the Garrison Creek and tributary valley walls. With the topography present in this area, the Kope formation is exposed generally within approximately 600 to 700 feet as measured horizontally from Garrison Creek. This includes the proposed portal area and some of the proposed conveyor location. Staff is concerned that this formation may require extra attention and precautions, and there may be some areas that should not be developed at all based on site specific analysis.

The Element also recommends proper usage or treatment of historic resources such as the Gaines House and outbuildings near the access road. The applicant has indicated that the main structure would be used as a caretaker quarters and office.

Section B-1, River Road Area, page 214 of the Comprehensive Plan discusses a possible connection between KY 8 along the Ohio River to the I-275 interchange at Bullitsburg Church Road. A letter dated May 21, 1999 from George Hoffman of the Kentucky Transportation Cabinet regarding this issue is attached to this report. The Plan recommends that a connection between the Petersburg Interchange and the Graves Road/Williams Road area and a possible connection between Williams Road and KY 8 would be a better way to serve future development and minimize impacts on the Developmentally Sensitive hillsides and stream valleys than the above mentioned connection. This is reaffirmed on page 215 in section B-2. This road is shown conceptually in Figure 3-6 in the 1996 Boone County Transportation Plan. It is shown as a special funding project for the years 2015 to 2020.

Garrison Creek is recommended to "remain intact as a greenbelt." Later, the Plan recommends that the stream valleys and ridge bluff lines remain in their current state for future recreation opportunities to serve ridge top residential development. Staff is concerned that the noise associated with the proposed materials conveyors would not make the area desirable for a natural areas path or similar passive recreation use.

In general, Sections B-1 and B-2 refer the area north of I-275 near the proposed mine site, as future residential development land when infrastructure is present. There are several references to protection of the hillsides and good residential development design. The Traditions Golf Course is mentioned as a residential growth catalyst.

The Idlewild interchange area is described as supporting gradual highway related commercial development with some future orientation toward tourism uses in Western Boone County. This is recommended to occur south of the interchange to directly serve traffic and to take advantage of visibility.

The Interchange area appears as a recommended planning project in the Western Boone County Study. This is not an officially adopted document, nor does it propose land use regulations. It does, however, suggest that this area, among others, be considered for future detailed planning efforts, such as a corridor plan.

The Economy Goal recommends a sustainable economy that reflects innovation and prosperity and protects the environment.

The Business Activity Goals and Objectives, as well as the Business Activity Element address the location of industrial development and specifically recommend that industrial districts be properly located in advance of other development to lessen negative impacts on future development. In addition to location, development design is important to minimize dust, noise, and other impacts on adjacent land uses and the public infrastructure.

The Element notes that base industries like mining are necessary for the economy of an area and to bring investment to an area. As described on page 77, however, Boone County already has mining activity and other base industries like manufacturing and agriculture. The provision of base industries must be balanced with their impacts on the community. Page 84 specifically notes that "Other types of mining activities may occur in the future of Boone County, but only with an evaluation of its benefits and costs to the community, including its impact on existing businesses and residential/agricultural uses."

Figure 5.3, the Future Industrial and Commercial Development map on page 87 of the Business Activity Element, does not show the subject site for industrial development.

As shown in Table 5.1, Boone County Base Industries, 1970 - 1989, mining involves significantly fewer numbers of businesses and fewer employees than other forms of industry in Boone County.

The Recreation Element recommends that areas adjoining the Ohio River and major stream valleys like Garrison Creek be studied in detail for public recreation opportunities. The Element also notes that the area north of I-275 is in particular need of public recreation sites.

The Preservation Element recommends that historic buildings, like those present on this site, should be protected or properly used within development. Archeology is another important issue, especially in areas like this near the Ohio River. These resources must be dealt with properly.

A Transportation Objective is to give priority to protecting capacity and improving the existing road system.

Page 187 of the Transportation Element indicates that Boone County's Ohio River shoreline is generally an undeveloped resource because of poor access, and the Comprehensive Plan calls for study of the riverfront's potential for a variety of land uses, including industrial and port operations. Staff is concerned that this proposed limestone mine does not make use of this notable resource, and may depend too much on the road system. The proposal does nothing to further the realization of the potential for connecting surface transportation and these types of land uses to the Ohio River.

STAFF CONCERNS

1. Comprehensive Plan

First, the Planning Commission and Fiscal Court will need to determine whether all three applications are in agreement with the Comprehensive Plan. Highlights of issues dealing with the Comprehensive Plan include:

- A. The Future Land Use Map designates the site predominately as Developmentally Sensitive Areas (including the location of the portal) and Rural Lands (encompasses most of the surface operations area on the eastern plateau), and notably smaller portions of the site for Rural Density Residential uses near the interchange. Concerns are noted above in detail regarding disturbance within the DS areas.
- B. The text of the Land Use Element expressly states "the Garrison Creek valley should remain intact as greenbelt adjacent to Rural Density Residential growth, and should be considered for future outdoor recreational opportunities," therefore, it will need to be determined whether this provision of the Comprehensive Plan is met when considering the substantive surface operations and portal areas that are proposed, the substantive wooded hillside areas that are proposed to be retained, and the fact that recreational facilities are only proposed with the I-4/PD application although they could conceivably be provided with any of the three applications.
- C. The Land Use Element also describes the Idlewild interchange area as supporting gradual highway related commercial development with some future orientation toward tourism uses in Western Boone County.
- D. As noted above, the Recreation Element recommends that areas adjoining the Ohio River and major stream valleys like Garrison Creek be studied in detail for public recreation opportunities. The Elements also notes that the area north of I-275 is in particular need of public recreation sites. Again, recreational facilities are only proposed with the I-4/PD application.
- E. Figure 5.3, the Future Industrial and Commercial Development map on page 87 of the Business Activity Element, does not designate the subject site for industrial development.
- F. The Business Activity Element specifically notes that "other types of mining activities may occur in the future of Boone County, but only with an evaluation of its benefits and costs to the community, including its impact on existing businesses and residential/agricultural uses."
- G. The proposal does not make use of the Ohio River shoreline at all for port purposes, but depends entirely on the road system.

The Planning Commission and Fiscal Court will also need to determine whether the three applications fulfill the alternate findings for the granting of zone changes.

2. 3,000 Foot Residential Separation

As discussed previously, two of the three applications (I-4/variance and I-4/PD applications) seek a reduction in the 3,000 foot separation required between the I-4 zone and certain types of residential uses (Section 1189 "Geographic Requirements," Subsection 2). While the criteria for granting such a reduction is different for the two applications, tangible impacts and possible nuisances that may be created by such a reduction need to be considered regardless. Of particular concern to staff is the fact that the Vibration Study provided by the applicant notes that a test seismograph (#10) that was placed a surface distance of 2,700 feet and a direct distance of 2,745 feet from the test blast recorded a peak particle velocity of "less than 0.050 ips" (inches per second) (I-4/variance application booklet, pg. C-60). This same vibration study states on the following page that "vibrations of the magnitude recorded in this study are perceptible. The human body can sense vibration levels as low as 0.03 ips."

Thus, the levels of vibration measured at seismograph #10 are within the range of being perceptible and should be evaluated as to whether they would create an unacceptable impact or nuisance. Minimally, the results of this report give credence to the 3,000 foot separation requirement in a general sense.

Overall, the Planning Commission and Fiscal Court will need to consider the criteria for the granting of variances as outlined in Section 251 of the Boone County Zoning Regulations. A portion of the applicant's arguments regarding the requested variance pertain to economic/financial concerns, however, economic hardship is not a legitimate basis for the granting of variances. In addition, the application for the "straight I-4" zone demonstrates that the 3,000 foot separation requirement can be met.

3. Planned Development Requirements

Relative to the application for the I-4/PD zone, staff offers the following comments regarding the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria. These comments are offered relative to these specific standards, and do not serve as a staff recommendation for the proposal as a whole.

1. Mixed Use Development and Pedestrian Orientation: The Concept Development Plan combines subsurface mining related uses, an outdoor recreational trail facility, and undisturbed hillside/open space areas. When considering the rural/undeveloped character of the area, and the fact that most "active" land uses such as retail, office, industrial, dwelling units, etc., are not commonly conceived as being appropriately "mixed" with subsurface mining operations, staff considers the proposed mixed-use concept to be reasonable, provided that the subsurface mining

use is found to be acceptable at this location. Although the subsurface mining use is not a "pedestrian friendly" use, possible links from the proposed trail facility to other areas such as the west end of River Road and the North Bend area should be explored.

2. Compatibility of Uses: Staff considers the proposed physical design/arrangement of the proposal to be reasonable relative to this standard. The plan elements that lead staff to this conclusion include the location of the surface operations area on the eastern plateau of the site, the retention of the existing tree buffer area around the disturbed areas, the provision of berming around the disturbed areas, the provision of additional landscaping, and the fact that the surface operations should be largely concealed from adjoining areas as indicated on the submitted site sections. However, staff does have the following concerns relative to the physical design for all three applications:

- A. Substantial screening should be provided around the south and west sides of the proposed portal area (sides bordering Garrison Creek Road and a driveway that runs through the property, but serves the abutting property to the north). Staff is concerned that without substantial vegetative screening (a mix of evergreen and large hardwood trees), this area will be visible from areas frequented by the public and adjoining property owners.
- B. The site plan states that berming will be provided along the new driveway near the interchange (between the new driveway and the Bullitsburg Baptist Church property) "if requested." Staff contends that this berming is absolutely necessary in order to lessen the visual and truck traffic impacts on the church property, and should be included as a condition in the approval of any of the three applications.
- C. In order to assure that the surface operations area is fully screened from the Garrison Creek Road area to the south, and to help minimize noise impacts, staff suggests that the berm height around this area be increased to at least 15 feet. Also, mature trees should be planted on/along this berm in addition to a seed mix (deciduous/evergreen seed mix only is proposed for the berms on the landscape plan). The berm constructed along Conrad Lane as part of the Gateway International Business Park is an example of this type of berm.

Other issues regarding the compatibility of the proposed use (noise, vibration, etc.) are discussed in the report provided by the Planning Commission's subsurface mining consultant.

3. Open Space: Staff believes that this standard has been effectively met by the Concept Development Plan. This conclusion is based on the substantial amount of undisturbed open space that is proposed to be retained, as well as the provision of the recreational trail facility. Additional comments on this issue and possible trail links to other areas may be forthcoming from the Boone County Parks Department.

4. Multi-Modal Transportation System: Staff agrees with the applicant's contention that the proposed use and facilities largely do not lend themselves to multi-modal transportation facilities, particularly bicycle and pedestrian facilities. However, a bus stop could be reasonably incorporated into the design of the entrance drive near the interchange to accommodate possible future bus service in the area. This would serve not only mine employees, but could serve residents in the area as well, particularly if a park and ride lot was provided if/when bus service became available.

5. Preservation of Existing Site Features: The majority of the site is proposed to remain undisturbed. Additionally, a minimum 200 foot wide buffer of existing vegetation is proposed to be retained around the surface operations area. As noted above, staff is concerned with development of the Developmentally Sensitive areas.

6. Landscaping: A fair amount of landscaping is proposed for all three applications. Concerns regarding landscaping are discussed under standards #2 "Compatibility of Uses" above and are further discussed below relative to the I-4 zone requirements.

7. Architecture: The historic Gaines House is proposed to be retained and used as a field office and on-site residence. The proposed structures that would serve the mining use are very utilitarian in nature, but they are proposed to be concealed from public view.

8. Historic and Prehistoric Features: These issues are discussed under staff issue #6 below.

9. Signage: Stone entry monuments are proposed along the proposed entry drive near the interchange. Further discussion on signage is provided below relative to the I-4 zone requirements.

10. Transportation Connections and Entry Points: As noted immediately above, stone entry monuments are proposed to be provided along the main driveway near the interchange. Possible road connections are discussed below in relation to the submitted Traffic Impact Analysis (staff concern #5). In addition, an easement should be provided for the driveway that runs through the middle section of the property to the unrelated property to the north (should be considered as a condition of approval for any of the three applications); staff has not found that an access easement exists for this driveway, although some older maps label it as "Garrison Creek Road."

11. Conformance with Comprehensive Plan: The relationship of this proposal to the Comprehensive Plan is discussed above.

In addition to the standards outlined in Section 1514, the Concept Development Plan criteria outlined in Section 1520 "Approval in Principle by Planning Commission" of the Zoning Regulations will need to be considered.

4. I-4 Zone Requirements

Staff has the following comments relative to certain requirements of the I-4 zone. Only requirements that are applicable at the zone change level are discussed in this report. These comments apply to all three zone change applications.

Section 1189 Geographic Requirements (pg. 11.41 of Zoning Regulations):

1. The proposed I-4 zone is located within 1,500 feet of an existing interstate interchange ramp and the site does directly access an arterial roadway. Garrison Creek Road (from the proposed access drive to the portal area) runs through the proposed I-4 zone (an industrial district) and is proposed to be upgraded to meet current subcollector requirements (28' pavement width required). A memorandum from Greg Sketch, Boone County Engineer, regarding the upgrading of Garrison Creek Road is attached. In addition to meeting the current subcollector standards, Mr. Sketch recommends that the pavement design should accommodate a minimum 20 year life and consider any increased mining traffic in the future.

2. The 3,000 foot separation area indicated on the "straight I-4" plan (and 1,500 feet for the subsurface aspects of the other two applications) has been verified as accurate by the Planning Commission's staff. The proposed I-4 area which immediately adjoins I-275 is proposed for access and buffer (i.e., maintain existing undeveloped conditions) purposes only, and is not proposed for mining or related purposes. As noted above, the existing Gaines House is proposed to be used as an on-site residence and field office - this structure is approximately 1,800 feet from the specified types of residential uses, thus, a use ancillary to the mining operation in this structure would not comply with the 3,000 foot requirement. If the Planning Commission and Fiscal Court were inclined to approve the subsurface mining use in some fashion but not the entire exception to the 3,000 foot requirement sought by the I-4/PD and I-4/variance applications, a limited exception through either application could be approved (upon the determination of appropriate findings) so that the Gaines House could be utilized for those proposed uses.

3. The site sections provided by the applicant indicate that a complete visual screen will be provided for the surface operations area from I-275, although staff has suggested that modifications to the berming along the southern part of the surface operations area be made as discussed above.

Geographic Guidelines (pg. 11.42 of Zoning Regulations):

1. Centralized/public water and sanitary sewer systems are not proposed. The Comprehensive Plan's Land Use Element states for this area "development in this area should not be accompanied by major sanitary sewer facilities that could commit the Idlewild area to development" (Area B-2: Idlewild Area, pg. 215).
2. The historic Bullitsburg Baptist Church building is the near the subject site and may be sensitive to vibration. The Planning Commission's subsurface mining consultant may provide more definitive information on this issue.

Section 11100 Performance Requirements (pp. 11.48 - 11.50):

2. This section requires excess stone and spoil to be stored within the underground mine as soon as adequate space exists, and/or to be used as a construction material for berming around the site. Although berming is proposed, staff did not identify in the applications that this material would be used to construct the berming, or how any excess materials would be handled. Also, primary crushing is proposed to occur in the subsurface area when adequate space exists, however, the applicant should explain the feasibility of performing other operations in the quarry, such as secondary crushing, screening, etc.
3. through 6. These sections outline blasting requirements. The Planning Commission's subsurface mining consultant may provide information regarding these sections.
8. This section states "no trucking shall occur on Saturday after daylight hours or on Sunday. The Planning Commission and Fiscal Court can impose additional restrictions on nighttime trucking activity depending on specific site considerations." Based on this requirement, the applicant needs to clarify the intended trucking schedule. In addition, the governing bodies will need to determine whether there are circumstances specific to this site that warrant additional nighttime trucking restrictions.
9. This section outlines dust control standards and requires truck wheel washing facilities that are at least 500 feet from the nearest public roadway, and requires the driveway to be paved for this 500 feet length. Both of these requirements have been met by the I-4/PD and I-4/variance applications. The straight I-4 application does not show that the entire driveway between the road and the wheel washing facility will be paved, although it does show that the driveway is paved for the initial 625 feet from the road. In order to make the most effective use of the wheel washing facility for the straight I-4 request, staff contends that the entire driveway between the road and the wheel washing facility should be hard surfaced.

This section also requires exiting trucks to be covered with tarps. Although the applicant has proposed a seemingly comprehensive dust control program (pg. 31 in the straight I-4 request binder), the tarp requirement has not been addressed.

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This section also requires exiting trucks to be covered with tarps. Although the applicant has proposed a seemingly comprehensive dust control program (pg. 31 in the straight I-4 request binder), the tarp requirement has not been addressed.

11. Berming and landscape buffer requirements are discussed in this section. The minimum requirements of this section have been met by the submitted plans with the exception of the berming between the proposed access drive and the church property discussed previously. Staff continues to contend that additional landscape screening should be provided around the portal area, and the berm height should be increased around the south side of the surfaced operations (and include mature trees on this berm), both as discussed above. Additional screening/buffering can be required if warranted in specific instances.

12. This section discusses requirements pertaining to security. The applicant needs to outline plans that would demonstrate compliance with these requirements.

16. This section outlines standards for the required entrance sign. One sign with a maximum size of 32 square feet is permitted, however, two signs that are approximately 16 square feet each have been proposed (i.e., one sign must be eliminated but the remaining sign may be increased in area - the stone monument for the eliminated sign may be retained as an entry feature). Further, the mining permit number will need to be displayed on the sign.

Section 11102 "General Requirements" (pg. 11.52 of the Zoning Regulations):

This section describes setback, building height, parking, and access road requirements. Staff's only comment relative to these requirements is that the auto parking areas are required to be hard surfaced as per the normal parking lot requirements referenced therein. This section also notes that all laws of the Commonwealth of Kentucky relative to nuisances and the environment must be followed. Relative to this issue, a letter from Gretchen Bartley of the Kentucky Division of Water is attached concerning water related issues and required permits.

Section 11104 "Minimum Size" (pg. 11.52 of Zoning Regulations):

This section requires an I-4 zone to include at least 200 acres, and limits surface operations to 250 acres maximum. All three applications are in compliance with these requirements.

5. Traffic Impact Analysis

A. The Traffic Impact Analysis (TIA) indicates that subsurface mining is a low traffic generator, relatively speaking. Staff's concern, however, is not with the amount of traffic, but the impacts of the type of traffic - trucks. The TIA maintains that there are no peak hours like other types of traffic generators. Staff maintains that there may be peak hours, however, such as the beginning of day, before and after lunch, and near end of the day. In addition, the TIA does not indicate if the year 2006 figures are applicable beyond that period (i.e., what are the long term impacts?).

- B. The TIA maintains that 185 feet of storage is adequate for the left turn lane onto eastbound I-275. Staff compares this to a left turn lane at KY 18 and KY 237 in Burlington, which is an intersection that experiences a considerable amount of truck traffic. The left turn lane from eastbound KY 18 to northbound KY 237 is approximately 260 feet long with a 200 foot preceding taper. With the future growth potential of the area west of the interchange in the KY 20 corridor, it will become more difficult to turn left at this location. Staff questions the adequacy of the storage lane.
- C. On page A-5, No 3 of the TIA, it is assumed that the mine will decrease hauling distances for aggregate trucks. There is no evidence that the mine will decrease hauling distances for projects in Boone County, especially if the trip distribution for the mine is 65 percent to the east. This indicates that the mine may be on the edge of its service area, and may be less strategically located than river port sites near Cincinnati or Covington where the product can be offloaded from barges. This could be compounded if the potential asphalt and concrete mix plants are located at this site.
- D. The conclusion that the mine is not adding any additional truck trips to regional roadways is probably true, however, the mine has the effect of concentrating these trips to a specific location. Staff's concern is not so much with the main line of I-275, but the interstate ramps that serve it at this interchange. In particular, the eastbound entrance ramp to I-275 will experience 65 percent of the exiting truck traffic. This ramp is inclined and the trucks will be full while trying to reach operating speed going uphill. The TIA also indicates that the trip distribution of traffic not associated with the mine reflects the mine distribution in the AM peak hour. 66 percent of the area traffic currently proceeds eastbound on I-275, thereby creating potential conflict with the slow-moving trucks on the interchange ramp. The traffic counts at this location will increase over time as the area west of the interchange on KY 20 develops.
- E. The TIA indicates that the Trip Generation Analysis is an average over a 12 month period and that peaks in trip generation may occur with seasonal demands. A specific construction project in Northern Kentucky, for example, could result in higher traffic volumes, as well as an altered trip distribution. At times this could increase the potential impacts noted above. In fact, the TIA indicates that a peak amount of aggregate transported could be 300,000 tons per month, almost double the monthly average of 166,667 tons in the year 2006.

- F. The submitted figures indicate that on average, at seven years of operation, 42 (AM peak) and 73 (PM peak) trips will turn left per hour from KY 8 to I-275. This averages out to roughly one per minute. Although the TIA forecasts a level of service A for this movement, it does not reflect the impact of these trucks on the entrance ramp itself. With the peak monthly transport of aggregate these figures could be 75 (AM peak) and 131 trips (PM peak). In staff's opinion, when the PM peak of over two trucks per minute is combined with traffic associated with future growth west of the interchange, the entrance ramp itself cannot function at level of service A. Staff believes that the applicant has not adequately addressed this issue.
- G. With the straight I-4 application, the location of the truck wheel wash does not accomplish the objective of keeping dust off the public roads because according to the submitted maps, the trucks must travel 2,500 feet of gravel road between the wash location and the paved access road. There is disagreement between the submitted maps and the TIA in this regard.

6. Historic and Prehistoric Resources

Staff has the following comments relative to historic and prehistoric resources on the project site and in the immediate area.

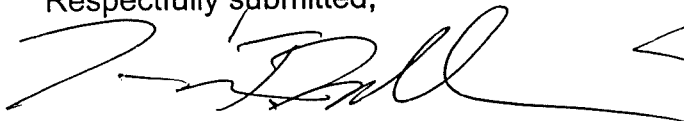
- A. Staff appreciates the thorough approach to the identification of historic and prehistoric sites within the project and surrounding areas. However, it has been determined that the majority of the applicant's site, especially those areas that will be impacted most heavily, have never been thoroughly surveyed by a professional archaeologist. As is evident by the map provided, there are numerous identified prehistoric archaeological sites around the project site. Similar settings (on the ridges and fields directly adjacent to the Ohio River as well as in close proximity to the mouth of a primary creek) in other parts of Boone County have yielded important historic and scientific information, including burial site locations, about the people who previously inhabited this land. Staff recommends that a Phase 1 archaeological survey for the entire tract be conducted prior to any site disturbance. If within the project area there are sites that are recommended for further study, that work should be completed or the site should be avoided and left undisturbed.
- B. Staff is concerned about the c. 1797 Gaines House (BE-85), and later outbuildings, that are located in the project area. It has been stated that they will remain and be used by the applicant. Staff recommends a condition that all currently existing historic buildings will remain, in their current condition, unless changes are approved by action of the Planning Commission at a later date. The existing house was, at one time, eligible for listing on the National Register of Historic Places. A recent insensitive renovation has eliminated that possibility for the time being, but proper restoration could take place in the future.

- C. Staff is concerned about the c. 1892 National Register farm (BE-87) located just to the southwest of the central portion of the project area boundaries. It is essential that this historic property not be negatively impacted by this proposed project. Staff recommends that extensive buffering be maintained between this property and the proposed project area - the buffering recommended above for the portal area should help in this regard.
7. A memorandum dated May 19, 1999 from Captain Jim Adams of the Hebron Fire Protection District is attached. This memorandum discusses the District's concerns regarding emergency service issues.
8. A written report from the Planning Commission's subsurface mining consultant will be provided at the Public Hearing.

CONCLUSION

All three applications need to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. In addition, the requested variance needs to be evaluated relative to the criteria outlined in Section 251 "Application and Standards for Variances" of the Boone County Zoning Regulations. The application requesting the I-4/PD zone needs to be evaluated relative to the Planned Development requirements outlined in Article 15 of the Zoning Regulations. The Future Land Use Map will need to be amended if the Planning Commission and Fiscal Court approve this request.

Respectfully submitted,



Kevin T. Wall, AICP CDT
Director, Zoning Services



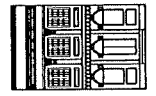
David Geohegan, AICP
Director, Planning Services



Susan M. Cabot
Historic Preservation Planner

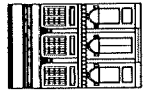
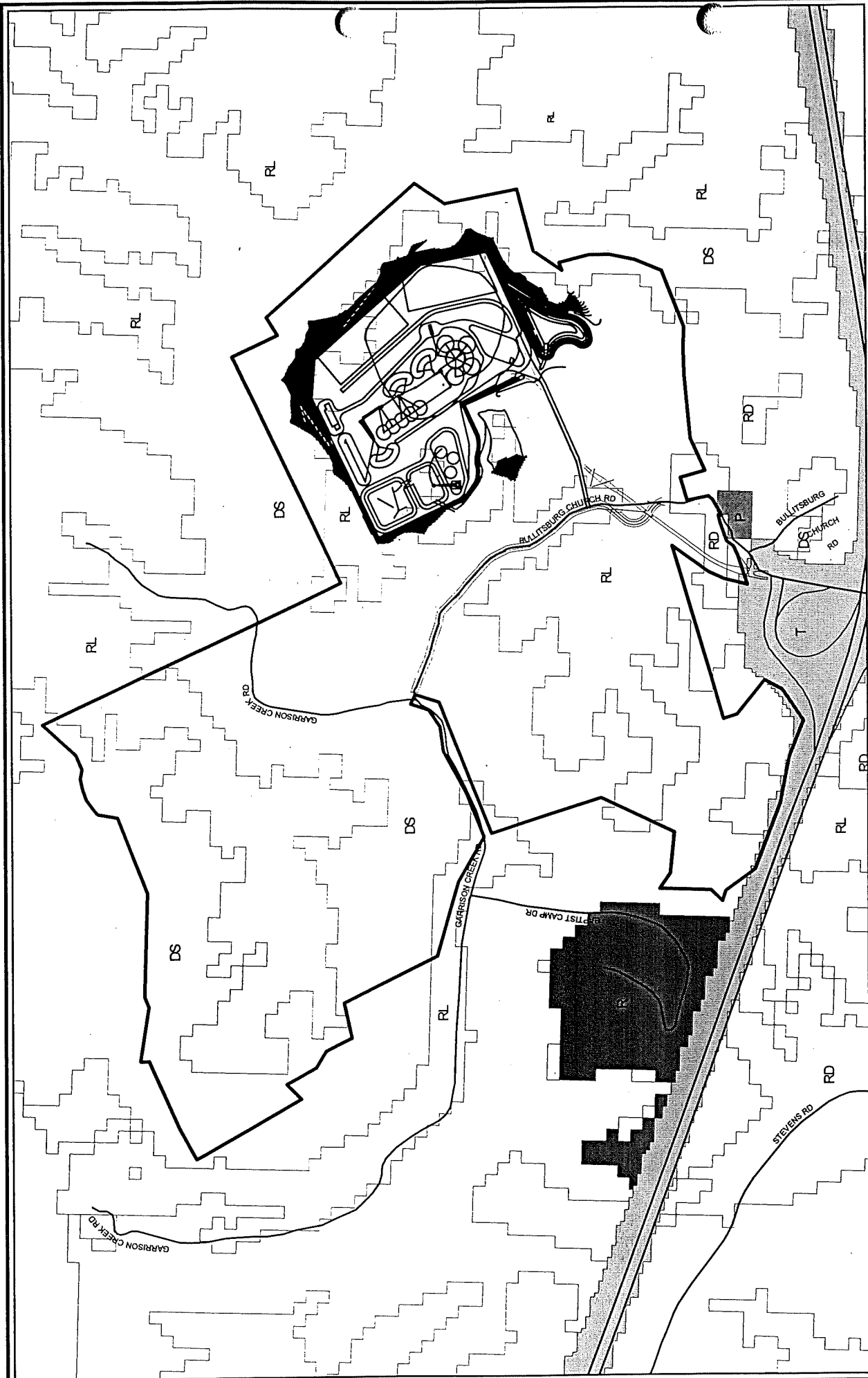
attachments:

- aerial photo w/ existing zoning
- Future Land Use Map excerpt
- letter dated May 21, 1999 from George Hoffman, Kentucky Transportation Cabinet
- memorandum dated May 18, 1999 from Greg Sketch, P.E., L.S., Boone County Engineer
- letter dated May 17, 1999 from Gretchen M. Bartley, Kentucky Division of Water
- memorandum dated May 19, 1999 from Captain James Adams of the Hebron Fire Protection District
- zone change applications
- Concept Development Plans for the three applications superimposed on aerial photos



1 inch equals 1100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 24, 1999

Zoning



1 inch equals 1100 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 24, 1999

Future Land Use



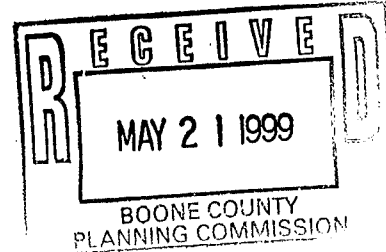
Commonwealth of Kentucky
Transportation Cabinet

Department of Highways, District Six
421-423 Buttermilk Pike & I-75, P. O. Box 17130
Covington, Kentucky 41017
606/341-2700, (Fax) 606/341-3661
J. E. Kearnes, P.E.
Chief District Engineer
May 21, 1999

Paul E. Patton
Governor

James C. Codell, III
Secretary of Transportation

T. Kevin Flanery
Deputy Secretary



Boone County Planning & Zoning
2995 Washington Street
Burlington, Kentucky 41005

Attn: Kevin T. Wall

SUBJECT: Martin Marietta Subsurface Mining Zone Change Application

Dear Mr. Wall:

This office has reviewed the proposed Martin Marietta Subsurface Mining Zone Change Application.

Approximately 20 years ago, the Boone County Fiscal Court provided the Kentucky Transportation Cabinet with funds to design a connection between the Bullitsburg Church Interchange and KY 8. The purpose in preparing the set of construction plans was to preserve a corridor so that development would not block off the possibility of such a connection. The Fiscal Court understood when the plans were drawn that funding was not available, however, they felt that establishing a defined route was important for future planning. Those completed plans are in this office.

Based upon the Fiscal Court's decision at that time, I would recommend the County preserve a corridor from the Bullitsburg Church Interchange to KY 8.

If you wish to discuss this matter further, please advise.

Very truly yours,

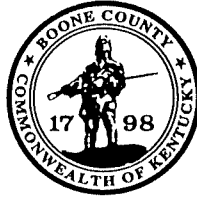
J. E. Kearnes,
Chief District Engineer

George R. Hoffman,
TEBM for Pre-Construction

GRH:ns



GREGORY V. SKETCH, P.E., L.S.
County Engineer



HARVEY F. PELLEY, L.S.
Director of Public Services

DEPARTMENT OF PUBLIC WORKS

5645 IDLEWILD ROAD
BURLINGTON, KY 41005

Phone: 606 586-5445
Fax: 606 586-5487

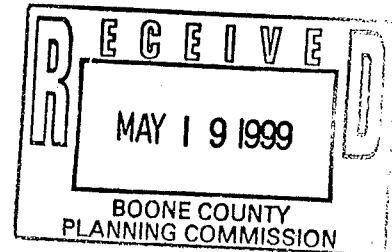
MEMORANDUM

TO: Kevin Wall, AICP CDT
Director, Zoning Services
Boone County Planning Commission

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: Proposed Zone Change – Subsurface Mining

DATE: May 18, 1999



This is in response to your request for input concerning the request for a zone change for Martin Marietta Subsurface Mining, a 575-acre area at the I-275 interchange with K.S.R. 8 and K.S.R. 20. The proposed development will involve a large portion of Garrison Creek Road, a County maintained road. My major concern in this zone change request as with others involving County maintained roads is the adequacy of the road, both geometrically and structurally.

After reviewing the submitted plan, I have the following comment. If approved, I would submit that the Zone Change Committee considers requiring a condition to ensure the integrity of affected portion of Garrison Creek Road. That condition would be that a pavement design be submitted to the County Engineer, for review and approval, with a width and depth that would support the proposed mining activities. The new design would be a life of a minimum of 20 years and shall consider any increased mining traffic in the future. The submitted design shall not be less than the currently required design in industrial subdivisions.

Thank you for the opportunity for input in this matter.

c: Jim Parsons, Boone County Administrator

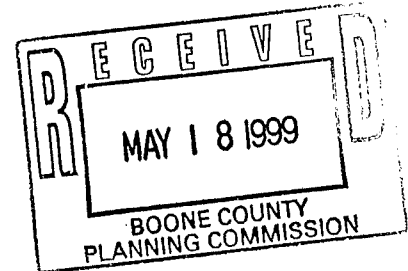
JAMES E. BICKFORD
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FLORENCE REGIONAL OFFICE
7964 KENTUCKY DR STE 8
FLORENCE KY 41042-2934

May 17, 1999



Mr. Kevin Wall, AICP CDT
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

RE: Proposed Martin Marietta Mine Site
I-275 at Petersburg Interchange

Dear Mr. Wall:

We have reviewed the proposal packages sent to our office; the following is our reply from the standpoint of the permits that might be required from our Division.

Because the site will involve a processes industry involving construction and a surface disturbance of greater than 5 acres, a Stormwater Permit will be required. This permit will be a General Permit for Non-Coal Mining. Additionally it will have a Surface Mining Permit that must be applied for, and approved and issued by the Kentucky Department for Surface Mining Reclamation and Enforcement. This permit will require the facility to construct and maintain sedimentation ponds as per the approved plans. These sediment ponds will have to be monitored by the facility on a twice per month basis, and the monitoring data submitted to the Division of Water on a quarterly basis. The KPDES Stormwater Permit which is keyed into the DSMRE Permit, will have the requirements for the facility to develop, implement and maintain a comprehensive, written Best Management Practice Plan. An appreciable amount of the "environmental compliance", not related to water quality, will fall under the requirements of the Dept. for Surface Mining.

The facility will need to develop a means of disposing of sanitary wastewater, and establish a potable water supply for the facility personnel. These are the major issues that the Division of Water is involved in. At the present, the area in which this mine is to be located is not serviced by either a comprehensive sewerline or a municipal water supply. If sewer and water lines are to be extended out to this area, the appropriate approvals for these extensions would have to be issued by the Division.



Boone County Planning Commission

May 17, 1999

Page 2

If comprehensive sewerage and municipal water are not feasible for this project, the facility may be able to apply for a permit to construct, and discharge from, a wastewater treatment plant. The specific design plans and site suitability would have to be reviewed and approved by the Division of Water's K.P.D.E.S Branch and Facilities Construction Branch prior to installation. The site suitability and conditions for approval would depend on the exact location, size of the treatment plant, discharge point and stream to which the effluent would be discharged.

Furthermore, should the facility need to provide drinking water for the site, the design criteria would also have to be reviewed and approved by the Division's Drinking Water Branch, and the facility would have to comply with the regulations pertaining to Public Water Supply systems. The water supply in this area would most likely be either a cistern or a well. In the event that the facility is able to complete a well supply for the facility, the amount of water usage may put them in the category of needing to have a Water Withdrawal Permit. This is also issued by the Division of Water. Additionally, if the mine needs to conduct pumping of the underground mine works, this may also require a Water Withdrawal Permit.

In addition to the drinking water and wastewater issues, the facility will need to develop a Groundwater Protection Plan. This item may be required as part of application for the mining permit from DSMRE, however it is also a requirement of Division of Water regulation 401 KAR 5:037.

The Division of Water also has regulations pertaining to stream crossings and construction in and along stream banks. Depending upon which final plan the facility implements, it would be advisable for them to contact the Division of Water, as the site may fall under either the Floodplain or Water Quality Certification Guidelines. Additionally, any work involving construction along Garrison Creek may also include obtaining a permit from the U.S. Army Corps of Engineers.

Boone County Planning Commission
May 17, 1999
Page 3

As stated above the Division of Water would have direct jurisdiction over certain areas associated with the proposed facility. The area(s) of involvement would depend upon the specific plan adopted by the facility. If you have any additional questions or need further clarification of any of the items listed above, please feel free to contact our office at (606) 292-6411.

Sincerely,



Gretchen M. Bartley
Environmental Inspector III
Florence Regional Office
Kentucky Division of Water

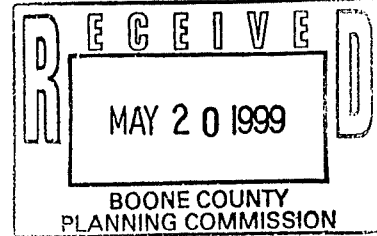


HEBRON

Fire Protection District

3120 North Bend Road • P.O. Box 24 • Hebron, Kentucky 41048 • (606) 586-9009

MEMO



TO : Kevin Wall, AICP CDT
 FROM : Captain J. Adams
 DATE : May 19, 1999
 RE : Martin Marietta comments

I have reviewed the material you have given us in regards to the lime stone mine project proposed by Martin Marietta. There is not much information in the material to help the fire district. I contacted Russ Willard from Martin Marietta to try and get more information on how this would impact this fire district. After my phone call it was several days before I heard back from Mr. Willard. When he called back he told me I needed to talk to Mr. Howard Pugh from the safety office located in Indianapolis because he knew more on the regulations of the Mine Safety Health Administration (MSHA).

In talking to Mr. Pugh I was concerned with the regulations he told me about. Because there is another mine located in Gallatin County and the two combined would have over 35 employees and are less than two hours apart they would have their own rescue team for any below ground problems that would occur. If we were called we would not be allowed to enter the mine, and I can only assume that means no training would be provided to this fire district or any mutual aid companies.

My major concern is when something does go wrong and most of the rescue team they have is involved or a secondary problem occurs who is going to assist these people? Another problem is what if someone dies because we waited for team members to assemble from Gallatin County while we are either not notified or not allowed in to help? By the Kentucky Revised Statutes (KRS) the fire district and Boone County Emergency Management are charged with certain duties at emergencies. If this is truly how the MSHA standards are written then they are not looking out for the best of the people who work in these types of environments.

I understand this is not coal mining and is not as dangerous but as a member of the emergency services field, anytime you are below the level of the ground serious problems can occur. If our department is not going to be trained or included in the long term plan of this project then we would recommend that it not be allowed to happen. To say they have their own rescue team is great but I know if something goes wrong we will

be there and if the government standards won't allow us to be involved then we won't be trained and that puts our people at risk.

Russ Willard contacted me again on May 13, 1999 with new information concerning the involvement of the Hebron Fire Protection District. I called the representative from MSHA as he had asked and at this time I have not yet a reply from him yet. Mr. Willard did tell me that most of the information I was first told and that is explained in the memo was not accurate. However I have been unable to get much information to support anything I have been told.

In closing, I am not sure what our role would be due to conflicting stories at this point. It also leaves me to wonder how organized this would be long term. What I do know is that this fire district is not ready for this type of operation at this time. During the last few weeks I have tried to find out what it would take to prepare us for this operation but I have not received any firm answers. I believe that leaves us no choice but to not support this project at this time.

If you have any questions on this matter please contact me.

ZONING MAP AMENDMENT APPLICATION FORM

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Project Jurisdiction/Location

BOONE X	FLORENCE	WALTON	UNION
---------	----------	--------	-------

2. Names of Applicant(s)

Applicant	Martin Marietta Materials, Inc. (Contact Person Russell B. Willard)
Phone Number	(336) 668-3253
Fax No.	(336) 668-1092
Applicant's Address	416 M Gallimore Dairy Road

City Greensboro	State NC	Zip 27409
-----------------	----------	-----------

3. Name of Property Owner(s)

Owner of Property	Martin Marietta Materials, Inc. (option pending)
Owner's Address	6450 Sandlake Road
Phone Number	(937) 454-1128

City Dayton	State OH	Zip 45414-2659
-------------	----------	----------------

Owner of Property	Bedrock Investment, LLC
Owner's Address	10641 Techwoods Circle, Suite 102
Phone Number	(513) 769-1700

City Cincinnati	State OH	Zip 45242-2846
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Owner of Property	Sawyer Place Company
Owner's Address	3033 Eastern Avenue
Phone Number	(513) 533-7604

City Cincinnati	State OH	Zip 45206
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Owner of Property	Guttman Enterprises Limited Partnership
Owner's Address	7420 Montgomery Road
Phone Number	(513) 984-0300

City Cincinnati	State OH	Zip 45236
-----------------	----------	-----------

4. Name of Project

Martin Marietta Aggregates Facility

5. Location of Project

North side of I-275, Petersburg, KY, Interchange, Boone County, KY

6. Acreage

Acreage Under Review	575 +/-	Acreage of Site	575 +/-
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7. Current Zoning of Site

A2

8. Proposed Zoning (Classification being requested)

I-4

9. Proposed Uses (please specify each use)

The underground extraction, processing, and sale of processed materials and all related activities.

10. Proposed Building Intensities (please specify)

N/A

11. Are there any existing buildings on the site?

yes	<input checked="" type="checkbox"/>	no	How many?	13
-----	-------------------------------------	----	-----------	----

12. Parcel Information

Deed Book	Page No.	Group No
672	180	2000/2003
667	137	
515	258	
515	264	
517	153	

13. Are you also applying for:

Conditional Use Permit	<input type="checkbox"/> NO	Dimensional Variance	<input type="checkbox"/> NO
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14. Have you submitted a Concept Development Plan?

yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
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15. Have you had a pre-application meeting with BCPC Staff?

yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
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16. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

X	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
X	Kentucky Transportation Department
	City of Florence, Public Services Department
	Boone County Building Department
	Northern Kentucky Health Department
	U.S. Soil Conservation Service
	Local School District
	Local Fire District
X	Other Boone County, Parks

17. Applicant's Signature MARTIN MARIETTA MATERIALS, INC.

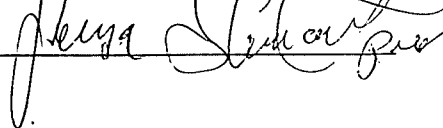
BY: 

Property Owner's Signature:

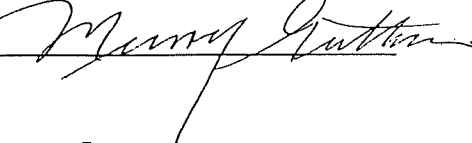
BEDROCK INVESTMENT, LLC

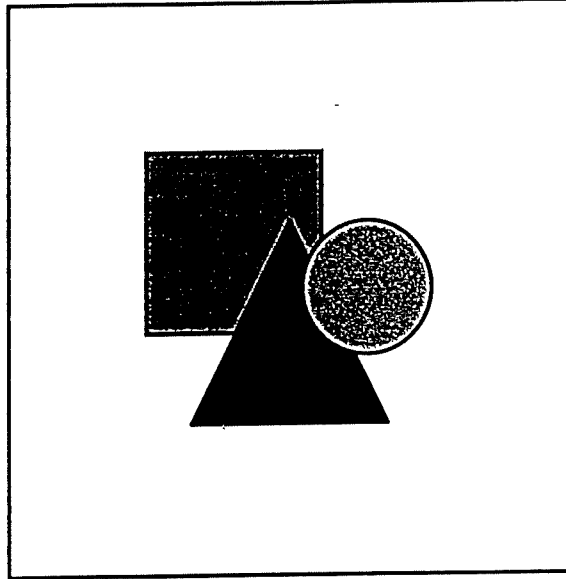
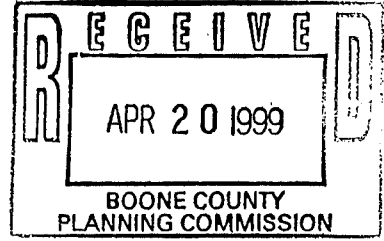
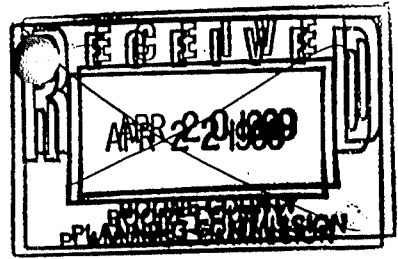
BY: 

SAWYER PLACE COMPANY

BY: 

GUTTMAN ENTERPRISE LIMITED PARTNERSHIP

BY: 



SECTION B (To be completed by BCPC Staff)

1. Date Received

month	April	day	20	year	1999
-------	-------	-----	----	------	------

2. Fee Received \$126.00 R# 20236

yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
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3. Check what has been submitted:

<input checked="" type="checkbox"/>	Application
<input checked="" type="checkbox"/>	Fee
<input checked="" type="checkbox"/>	Legal Description
<input checked="" type="checkbox"/>	Concept Development Plan
<input checked="" type="checkbox"/>	Address of Adjoining Property Owners

5	Number of copies of plan received**
---	-------------------------------------

4. Is application complete?

yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
---	-----------------------------

5. Staff Reviewer

KENIN WALL

6. Committee Chairman

LARRY BROWN

7. Scheduled Public Hearing Date 5/26/99

8. Boone County Planning Commission Action:

Approved <input type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input type="checkbox"/>
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9. Other:

** Five (5) Copies Are Required

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



ZONING MAP AMENDMENT APPLICATION FORM

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Project Jurisdiction/Location

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Owner's Address	3033 Eastern Avenue
Phone Number	(513) 533-7604

City	Cincinnati	State	OH	Zip	45206
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Owner of Property	Guttman Enterprises Limited Partnership
Owner's Address	7420 Montgomery Road
Phone Number	(513) 984-0300

City	Cincinnati	State	OH	Zip	45236
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4. Name of Project

Martin Marietta Aggregates Facility

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8. Proposed Zoning (Classification being requested)

I-4

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N/A

11. Are there any existing buildings on the site?

yes	X	no	How many?	13
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12. Parcel Information

Deed Book	Page No.	Group No
672	180	2000
667	137	
515	258	
515	264	
517	153	

13. Are you also applying for:

Conditional Use Permit	NO	Dimensional Variance	YES
------------------------	----	----------------------	-----

14. Have you submitted a Concept Development Plan?

yes	X	no
-----	---	----

15. Have you had a pre-application meeting with BCPC Staff?

yes	X	no
-----	---	----

16. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

X	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
X	Kentucky Transportation Department
	City of Florence, Public Services Department
	Boone County Building Department
	Northern Kentucky Health Department
	U.S. Soil Conservation Service
	Local School District
	Local Fire District
X	Other Boone County, Parks

17. Applicant's Signature **MARTIN MARIETTA MATERIALS, INC.**

BY:  _____

Property Owner's Signature:

BEDROCK INVESTMENT, LLC

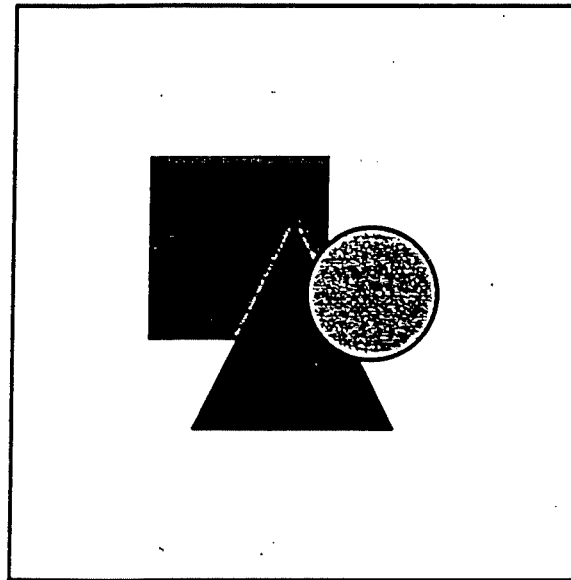
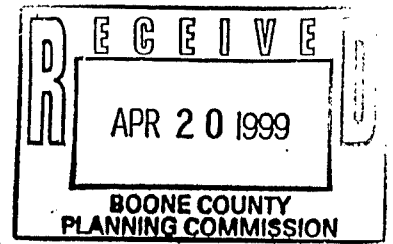
BY:  _____

SAWYER PLACE COMPANY

BY:  _____

GUTTMAN ENTERPRISE LIMITED PARTNERSHIP

BY:  _____



SECTION B (To be completed by BCPC Staff)

1. Date Received

month	April	day	20	year	1999
-------	-------	-----	----	------	------

2. Fee Received \$ 8526.00 R# 20236

yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

3. Check what has been submitted:

<input checked="" type="checkbox"/>	Application
<input checked="" type="checkbox"/>	Fee
<input checked="" type="checkbox"/>	Legal Description
<input checked="" type="checkbox"/>	Concept Development Plan
<input checked="" type="checkbox"/>	Address of Adjoining Property Owners

5	Number of copies of plan received**
---	-------------------------------------

4. Is application complete?

yes	/	no
-----	---	----

5. Staff Reviewer

KELVIN WALL

6. Committee Chairman

LARRY BROWN

7. Scheduled Public Hearing Date 5/26/99

8. Boone County Planning Commission Action:

Approved	Approved with Conditions	Denial
----------	--------------------------	--------

9. Other:

** Five (5) Copies Are Required

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



ZONING MAP AMENDMENT APPLICATION FORM

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Project Jurisdiction/Location

BOONE <input checked="" type="checkbox"/>	FLORENCE <input type="checkbox"/>	WALTON <input type="checkbox"/>	UNION <input type="checkbox"/>
---	-----------------------------------	---------------------------------	--------------------------------

2. Names of Applicant(s)

Applicant	Martin Marietta Materials, Inc. (Contact Person Russell B. Willard)
Phone Number	(336) 668-3253
Fax No.	(336) 668-1092
Applicant's Address	416 M Gallimore Dairy Road

City Greensboro	State NC	Zip 27409
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3. Name of Property Owner(s)

Owner of Property	Martin Marietta Materials, Inc. (option pending)
Owner's Address	6450 Sandlake Road
Phone Number	(937) 454-1128

City Dayton	State OH	Zip 45414-2659
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Owner of Property	Bedrock Investment, LLC
Owner's Address	10641 Techwoods Circle, Suite 102
Phone Number	(513) 769-1700

City	Cincinnati	State	OH	Zip	45242-2846
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Owner of Property	Sawyer Place Company
Owner's Address	3033 Eastern Avenue
Phone Number	(513) 533-7604

City	Cincinnati	State	OH	Zip	45206
------	------------	-------	----	-----	-------

Owner of Property	Guttman Enterprises Limited Partnership
Owner's Address	7420 Montgomery Road
Phone Number	(513) 984-0300

City	Cincinnati	State	OH	Zip	45236
------	------------	-------	----	-----	-------

4. Name of Project

Martin Marietta Aggregates Facility

5. Location of Project

North side of I-275, Petersburg, KY, Interchange, Boone County, KY

6. Acreage

Acreage Under Review	575 +/-	Acreage of Site	575 +/-
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7. Current Zoning of Site

A2

8. Proposed Zoning (Classification being requested)

I-4/PD/CD

9. Proposed Uses (please specify each use)

The underground extraction, processing, and sale of processed materials, outdoor passive recreation, and all related activities.

10. Proposed Building Intensities (please specify)

N/A

11. Are there any existing buildings on the site?

yes	<input checked="" type="checkbox"/>	no	How many?	13
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12. Parcel Information

Deed Book	Page No.	Group No
672	180	2000
667	137	
515	258	
515	264	
517	153	

13. Are you also applying for:

Conditional Use Permit	<input type="checkbox"/> NO	Dimensional Variance	<input checked="" type="checkbox"/> YES (Alternative Application)
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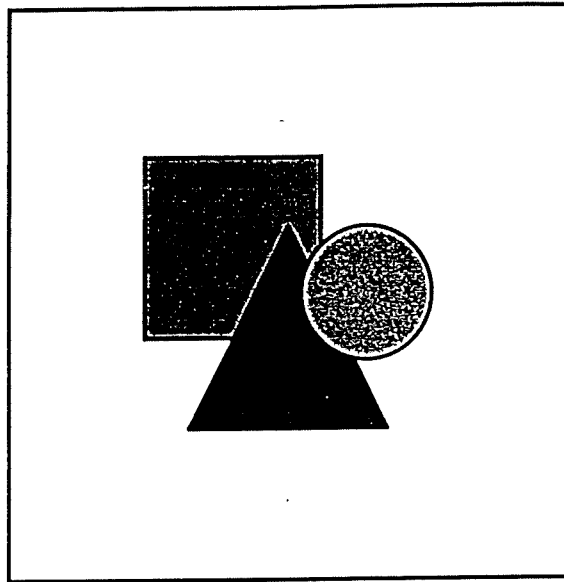
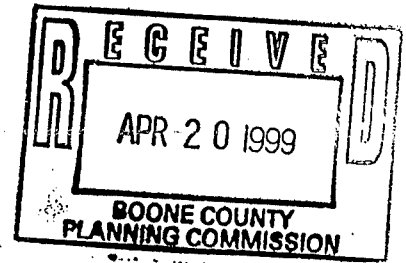
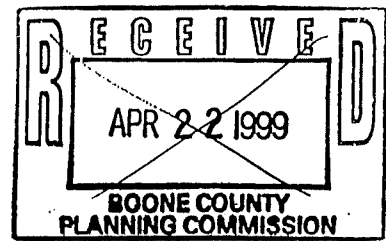
14. Have you submitted a Concept Development Plan?

yes	<input checked="" type="checkbox"/>	no
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15. Have you had a pre-application meeting with BCPC Staff?

yes	<input checked="" type="checkbox"/>	no
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16. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:



SECTION B (To be completed by BCPC Staff)

1. Date Received

month	April	day	20	year	1999
-------	-------	-----	----	------	------

2. Fee Received 8,126.00 R# 20236

yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

3. Check what has been submitted:

<input checked="" type="checkbox"/>	Application
<input checked="" type="checkbox"/>	Fee
<input checked="" type="checkbox"/>	Legal Description
<input checked="" type="checkbox"/>	Concept Development Plan
<input checked="" type="checkbox"/>	Address of Adjoining Property Owners

6	Number of copies of plan received**
---	-------------------------------------

4. Is application complete?

yes /	no
-------	----

5. Staff Reviewer

KEVIN WALL

6. Committee Chairman

LARRY BROWN

7. Scheduled Public Hearing Date 5/26/11

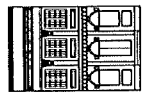
8. Boone County Planning Commission Action:

Approved	Approved with Conditions	Denial
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9. Other:

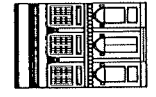
** Five (5) Copies Are Required

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



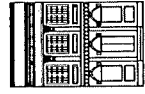
1 inch equals 1000 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 25, 1999

ZMA Site Layout



1 inch equals 1000 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 25, 1999

PD/CD Site Layout



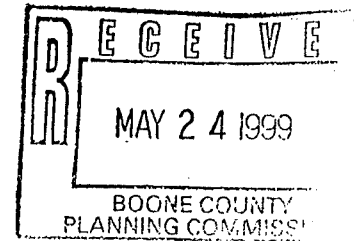
1000 0 1000 Feet

1 inch equals 1000 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 25, 1999

Variance site layout

Kevin T Wall, AICP, CDT
Director, Zoning Services
Boone County Planning Commission
2995 Washington St
Burlington KY 41005

May 20, 1999



Dear Mr Wall:

I am writing as a result of the upcoming Public Hearing request by Martin Marietta for a zone change to allow for underground extraction, processing and sale of processed materials and all related activities pertaining to subsurface mining operations in our community.

Due to health problems I am unable to attend this meeting in person to express my opposition to these requests. My interest in this neighborhood goes back 84 years ago when I was born in Idlewild , attending school on Garrison and growing up and farming this area in my early years. In 1948 my wife and I purchased the property on which our home is currently located.

I am not opposed to progress, however, we are opposed to what this development would do to our community. From a health standpoint, I have emphysema and am on oxygen continuously day and night. The dust that the mining would create would cause even greater breathing problems. The extra noise and pollution from the additional traffic and trucks would be a detriment to the environment and nuisance to all of us.

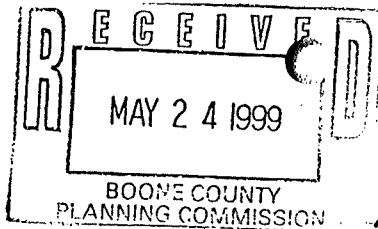
As a lifelong member of Bullittsburg Baptist Church -- a church which will celebrate its 205th anniversary in a few days, I am quite concerned about how this historical landmark can hold up under the stress of the excavation activities. And right next door to the church is the Bullittsburg Cemetary which would also be affected . And all of us have wells and cisterns for our water use.

On behalf of my wife, my family, my community and myself, I strongly urge you to deny any request for a change in zoning that would allow Martin Marietta any mining rights in this area.

Sincerely,

A handwritten signature in cursive script that reads "Luther W. Gray".

Luther W Gray
2538 Bullittsburg Rd
Burlington, KY 41005



May 23, 1999

The Boone County Planning Commission

I own a new home 1 1/4 miles from the proposed limestone mine by Martin Marietta.

I urge you all to vote against this project for the following reasons:
~~1.~~ Western Boone County will be open to many undesirable operations such as batch plants, Cement plants and a variety of other "garbage" type operations.

~~2.~~ Property values will plummet down.

~~3.~~ Truck traffic will be horrendous at exit # 11.

~~4.~~ My cinder walls and room walls may be cracked due to shock waves in the ground.

~~5.~~ They say there will be no dust but just look at the mine at Caintown in Pendleton County and see the surrounding landscape for 4 miles around it.

I urge you to please vote no
Thank you

Sincerely
Thomas W. Cull
4736 Peterboro
Peterboro 410

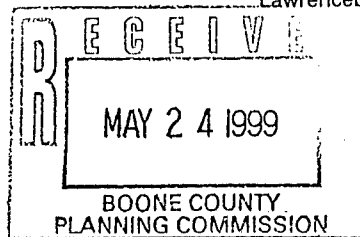


**Dearborn County
Chamber of Commerce**



P.O. Box 66
555 Eads Parkway East (U.S. 50)
Lawrenceburg, Indiana 47025

812-537-0814
513-564-8083
800-322-8198
Fax 812-537-0845



May 20, 1999

Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

To Whom it may Concern,

I have recently been made aware of Martin Marietta Aggregates proposal to develop an underground mine for stone in your community. While I understand your hesitation to support this proposal I wanted to remind you of the importance that this product has to our local economy.

With all of the construction which is occurring in the region the demand for stone and concrete is extremely high. Our region is supporting the construction of a new freeway and two new stadiums. Dearborn County is working on a new bypass highway and a large river front development project. Northern Kentucky has just finished construction of the Justice Center, the Aquarium and several new hotels. Most of the costs of stone is incurred due to transportation inefficiencies, the further it must be transported the higher the end cost is to the consumer. 90% of all aggregate is shipped by truck and most is consumed within 35 miles of its production point.

For these reasons I ask that you consider allowing Martin Marietta Aggregates to pursue a deep mine in Boone County. I understand that they have agreed to several concessions which will mitigate the environmental impacts of this type of operation. Deep mining of resources will provide these needed materials to the economy, while having a minimal impact on the appearance of the community and the end use of this land.

It would appear that our local economy will continue to create a demand for aggregate far into the foreseeable future. If you have any continued hesitation ask that Martin Marietta illustrate their commitment to the community by providing a tour of other communities with mines which they operate. I think that you will find that they are a considerate corporate neighbor.

Sincerely,

Gregory A. Smith
Director of Economic Development

BOONE COUNTY PLANNING COMMISSION
CONNER HIGH SCHOOL GYMNASIUM
May 26, 1999
6:30 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett - Secretary/Treasurer, Mr. Brown, Mr. Caddell - Chairman, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. Knock, Mr. McMillian, Mr. Newman, Mr. Ries, Mrs. Smith, Mr. White, Mrs. Wilson and Mr. Zimmer.

Staff members present: Mr. Kevin Costello, AICP, Executive Director; Ms. Susan Cabot, Historic Preservation Planner; Mr. David Geohegan, AICP, Director of Planning Services; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 6:40 P.M. and stated that the three Public Hearings on the Agenda will be consolidated into one Public hearing. The Chairman explained the Public Hearing process and stated that the Zone Change Committee Meeting for these items will be on June 3, 1999 at 5 P.M. in Courtroom 3A of the Boone County Administration Building. The Committee Meeting is open to the public, but no additional testimony will be taken. The Committee's recommendation will be presented to the full Planning Commission at the Business Meeting on June 16, 1999 at 7:30 P.M. in Courtroom 3A of the Boone County Administration Building. The Chairman introduced the items on the Agenda:

1. Applicant: Martin Marietta Materials, Inc. for Martin Marietta Materials, Inc. (option pending), Bedrock Investment LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners)

Request: Zoning Map Amendment

The request of Martin Marietta Materials, Inc. (applicant) for Martin Marietta Materials, Inc. (option pending), Bedrock Investment LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners) to consider a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four "Subsurface Mining District" (I-4) for an approximate 575 acre site on the north side of I-275 at the Petersburg (KY 8)

interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The request is for a zone change to allow the underground extraction, processing, and sale of processed materials and all related activities pertaining to subsurface mining operations.

2. Applicant: Martin Marietta Materials, Inc. for Martin Marietta Materials, Inc. (option pending), Bedrock Investment LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners)

Request: Zoning Map Amendment

The request of Martin Marietta Materials, Inc. (applicant) for Martin Marietta Materials, Inc. (option pending), Bedrock Investment LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners) to consider a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four "Subsurface Mining District"/Planned Development (I-4/PD) for an approximate 575 acre site on the north side of I-275 at the Petersburg (KY 8) interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The request is for a zone change to allow the underground extraction, processing, and sale of processed materials and all related activities pertaining to subsurface mining operations, and an outdoor recreational trail facility.

3. Applicant: Martin Marietta Materials, Inc. for Martin Marietta Materials, Inc. (option pending), Bedrock Investment LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners)

Request: Zoning Map Amendment

The request of Martin Marietta Materials, Inc. (applicant) for Martin Marietta Materials, Inc. (option pending), Bedrock Investment LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners) to consider a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four "Subsurface Mining District" (I-4) and a Variance from Section 1189 "Geographic Requirements", Subsection 2, for an approximate 575 acre site on the north side of I-275 at the Petersburg (KY 8) interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The request is for a zone change to allow the underground extraction, processing, and sale of processed materials and all related activities pertaining to subsurface mining operations, and a Variance from a 3,000 foot separation standard required between the proposed I-4 zone and certain types of residential areas.

The Chairman asked for the applicant's presentation.

Attorney James A. Dressman III reviewed the history of the site. He stated that in 1993, American Aggregates (which has since been acquired by Martin Marietta) introduced this project to local officials and to the Planning Commission Staff. They were advised that there was no zone in Boone County to accommodate an underground limestone quarry. He stated that it is Kentucky law that a text change cannot be initiated by a private individual and must be initiated by a public entity. In 1994, they approached Boone County Fiscal Court and asked that a text change application be initiated to allow an underground limestone mine. Fiscal Court directed the Planning Commission to study the issue. He stated that the Boone County Planning Commission produced the 1995 Subsurface Feasibility Study that said a community has an obligation to provide for a legitimate business use in a community as long as the adverse impacts can be addressed. The study concluded that it is feasible to accommodate subsurface limestone mining in Boone County and that it should ideally be located in the northern portion of the county with access to the interstate. Then the Planning Commission and Fiscal Court took no further action to initiate a text change. The Boone County Planning Commission reviewed the possibility of text to accommodate underground mining in its Comprehensive Plan review in 1996, but took no action. In 1996, Martin Marietta filed suit for a determination of the right to operate somewhere in Boone County. In 1997, Boone County Circuit Court ruled that the Planning Commission had ninety days to adopt reasonable regulations for the use. In February, 1998, the I-4 zoning text recommended by the Boone County Planning Commission was adopted over the objections of Martin Marietta. Martin Marietta maintains that the I-4 zone being 3,000 feet from any existing or planned residential development is without precedent or reasonable foundation. He stated that the matter then went back to Circuit Court and the county suggested to the Court that the text could not be challenged on a Constitutional basis until there was an application and the text applied in an unconstitutional manner. He stated that there are now three applications. One is for I-4/PD/CD, which is a Planned Development application that complies with all elements of the I-4 text except the 3,000 foot setback. The second application is for I-4 with a Variance request, which also complies with the I-4 text except the 3,000 foot setback. The third application is for I-4 and they believe it complies with all elements of the I-4 text without a Variance. Accompanying the applications are all the maps, reports, studies, and information -- which are extensive, but are required by the I-4 text and other portions of the Boone County Zoning Regulations.

Mr. Dressman introduced Mr. Russ Willard with Martin Marietta.

Mr. Russ Willard, Director of Land Services for Martin Marietta, stated that he is with the corporate offices in Raleigh, North Carolina and works in the Natural Resources Department. He was educated at the Colorado School of Mines and has approximately 25 years experience in the mining industry. Mr. Willard's comments were accompanied by a slide presentation. He stated that Martin Marietta is the second largest aggregate producer in the country. They employ more than 5,000 people across the United States and operate approximately 250 facilities. He presented a map showing the locations of their current operations. He stated that they operate fourteen underground mining facilities which produce approximately 15 million tons per year. He stated that they are good stewards and responsible corporate citizens. They sponsor on-site educational programs in partnership with industry associations and earth science teachers. They sponsor many community activities and had a donation program of about \$100,000 in 1998. In 1998, the Cincinnati district alone donated over \$17,000 to charitable organizations in the community. They also do in-kind contributions such as the eight acres of land given to a school district in Southwest Ohio valued at approximately \$400,000. They also made land contributions in Carmel, Indiana; Troy, Ohio; and Montgomery, Ohio.

Mr. Willard stated that the market demand in the five-county area will be about four million tons per year. They see a need for 1.3 million tons of aggregate from the new location.

Mr. Willard stated that they will employ approximately fifty-two people hired locally. Their estimated annual taxes to the county will be in excess of \$400,000. They will pay throughout the state in excess of \$800,000 in taxes. They will purchase local goods, services, and supplies.

Mr. Willard stated that this is an application for an underground limestone mine. There will not be asphalt or ready-mix plants on the property. He stated that they expect to be there about twenty-five years. He presented a map and indicated the location of the subject property, which is approximately 575 acres. He noted I-75 to the south of the site. He referred to the map and stated that the 3,000 foot required zoning setback is designated where the green and white areas come together. He indicated on the map where the surface activities will occur. He stated that the scenario allows the recovery of 269 acres of underground mining reserves. The surface area affected would be approximately 96 acres. He stated that the plant can be screened from view from major thoroughfares. Access to the site will be via an improved road that is paved all the way into the plant. The tunnel entry is comprised of approximately five acres and will be accessed off Garrison Creek Road, which is proposed to be improved. Mr. Willard presented photographs of typical operations and entrances. He noted an earthen berm that serves as a screen for the operations behind it. He commented that the operation is neat, clean, and nicely landscaped. He showed a photograph of a surface

processing facility. He stated that the material is wetted as it is processed to help control dust. He stated that there are a lot of concerns about dust and air quality and commented that the material is properly treated and handled through the environmental control systems as it is manufactured. He indicated a wetted yard area. In regard to the underground operations, he showed a photograph and noted the tunnels to the underground workings. He stated that the portal for the site will be constructed on a hillside area and will be carefully looked at from a geotechnical perspective to be sure the mass is stable. He showed a cross-section of what you would see in an underground mining operation. He stated that they propose "remove and pillar" and 60' x 60' pillars will separate the corridors underground. He showed a photograph of an underground mining operation in Indiana and commented in regard to the roof area and pillars. He stated that at the proposed facility, once the material is loaded into a truck, it will be driven to a crushing operation and then conveyed to the top of the hill for secondary and tertiary crushing. He stated that some operations require rock bolts in the roof to pin the rock and keep it stable. They may not need to do that at this site, but that will be addressed at a later point in the engineering design. He showed a picture of a ventilation shaft and stated that they will be painted and bermed -- and the berm will also serve as noise protection. The ventilation shafts consume less than one-tenth of an acre and there will be three on the property.

Mr. Willard stated that they will be required to have a number of permits, including a mining permit. They will also need a permit from the Mining Safety and Health Association. They need a discharge permit to ensure that the water that exits the property is of the property quality. Stormwater will be required to be handled and allowed to discharge in an environmentally friendly manner. Erosion and sedimentation control permits will be required. Air quality permits will be required. Alcohol, Tobacco and Firearms (ATF) will regulate the use of explosives on the property. Other permits will also be required. The permit processes also invite public comment and it is not unusual for a regulatory agency to hear citizens concerns and require them to be met. He stated that they will have to post a bond to cover reclamation, which will be completed when they are finished mining. They will remove the plant and stockpile area and regrade and reseed disturbed areas.

Mr. Willard stated that they are inspected frequently and also have their own inspectors. They are inspected unannounced by regulatory inspectors. He stated that there is a wheel wash for the trucks. There is equipment to record ground vibration. He offered to do pre-blast surveys for the citizens to identify baseline conditions prior to the commencement of the mining operations. He stated that they are required to record the level of each blast and to keep records, which are available to the regulatory agencies. He stated that they will have a series of channels to convey stormwater through to the control devices and not cause sedimentation. The water is collected

and particulates allowed to settle. He showed a picture of a stormwater detention basin. He showed a picture of an above ground storage facility for fuels and oil and noted the spill prevention controls. He stated that their employees are trained in how to handle spills.

Mr. Willard offered the citizens pre-operational cistern surveys within a mile of the mine to assess the conditions and provide a report to the landowner which will serve as baseline should any complaints arise regarding water quality.

Mr. Jeff Straw, Vice President and Area Manager of GeoSonics Inc., stated that they deal with manmade ground vibrations and specialize in construction areas using commercial explosives. He stated that he has a BS from Slippery Rock State College and more than twenty years experience with commercial explosives, vibration, and noise. He has authored and consulted on a number of state and local ordinances. He is a member of the Society of Explosive Engineers.

Mr. Straw's presentation also included slides. He stated that the use of explosives is required due to the hardness and location of the rock layers. The use of explosives is highly regulated by the state and by Alcohol, Tobacco, and Firearms (ATF). Only licensed firms and trained personnel can detonate explosives. Explosives must be stored in approved containers. He stated that at this location the explosives will be stored underground. Mr. Straw explained how the explosives are used and stated that blasts are sequenced to control vibration. Explosives create gas that fragments the rock. He stated that ground vibration may be perceived by the residents. He offered to do a pre-blast inspection of residential and commercial structures within one mile of the mine to document conditions prior to using explosives and to give a baseline level. He stated that ground vibration is controlled and limited by the state. Seismographs are used to measure vibration. Any noise related to explosives will be monitored by a seismograph permanently located at Bullittsburg Baptist Church. He stated that there is a seismograph on each side in addition to the one at the church. The records will be independently analyzed to produce a technical report showing compliance. He stated that the limits they would use are below state limits and restricted enough to keep any type of damage from occurring.

Mr. Straw stated that they can preclude any potential for damage to the historic structures in the area. He stated that in January, 1998 a study was completed in regard to detonation of explosives of a level comparable to what would be used in the underground mine and measures were taken at ten different locations. He stated that at 1,500 feet from the project site, vibration is below measurable levels. He stated that there is a misinterpretation in the Staff Report of the values -- there is not a measurable level, but the Staff Report indicates it was below what it would take to turn the

seismograph on. He stated that each blast lasts less than one second and, over the period of a year, that is about twenty to twenty-five minutes of total time broken up into one-second pulses. He stated that there are no unacceptable impacts created by the use of these explosives.

Ms. Etta Reed with Bayer Becker Engineers stated that she is a traffic engineer and she prepared the traffic impact study for the site. She is a Professional Engineer licensed in Ohio, Kentucky, and Indiana and has ten years of experience in the transportation field. She has prepared numerous traffic impact studies. Using a slide presentation, she stated that the traffic impact study for this site was prepared in accord with Article 32 of the Boone County Zoning Regulations. Their function was to determine the amount of traffic that would be generated by the mining operation. The analysis was based on peak operating season and peak day -- which Martin Marietta has indicated occurs once a month. The traffic was distributed on I-275, KY 8, and the interchange area and the impact was measured using the Highway Capacity Analysis software, which is the industry standard. She stated that the majority of the traffic is trucks, and there are some employees, vendors, and suppliers vehicles included in the analysis. Ms. Reed reviewed a summary of their findings. She stated that the access for the site is in accord with the Boone County Zoning Regulations. KY 8 is an arterial roadway. They are within 1,500 feet of an existing interstate interchange and they have met the Zoning Regulations. She stated that the site will make negligible impact on the local roads. Ninety-five percent of their traffic will go directly to the interstate and the remaining five percent will go on local roadways. A Level of Service B was achieved at the interchange area, which is above industry standard. The impact on I-275 will be minimal and the trucks are currently using I-275. Only minor median improvements will be needed -- the westbound off-ramp traffic making a left turn would need the median shaved back slightly. She stated that there is sufficient storage at both on-ramps to meet the demands.

Mr. Bill Kaufell with Skelly & Loy Engineers stated that he has a degree in Urban and Regional Planning. Using a slide presentation, he stated that for a baseline sound study they took measurements at thirteen locations adjacent to the Boone County site. Those locations were identified on a map with decibel levels. They also determined the processing equipment sound emissions and evaluated Martin Marietta facilities in Marietta, Ohio. They found that the loudest source was the primary crusher, which will be underground at this facility. He showed a picture of a sound monitor and stated that they took measurements at various distances from the sound monitor. They also projected sound levels to determine the cumulative effects from all sources in the processing area. He showed a schematic to show the various reductions in sound obtained by an earthen berm and thick vegetation. He stated that they used the Federal Highway Administration Traffic Noise model and followed

FHWA/KDOT procedures. They made a model of the existing conditions and projected the noise level. They also projected the Martin Marietta traffic. From the results, they found that there is an increase in the Bullittsburg Baptist Church area due to truck traffic, but they are below KDOT and FHWA noise criteria. To the south of the interchange, the noise levels remain unchanged. He stated that I-275 is the dominant sound source in the area. The processing area sound emissions were negligible. He stated that sound level increases are not excessive.

Mr. Robert Coleman, an air quality analyst, stated that he is an environmental engineer with over thirty years experience in air quality. He has worked for the EPA, the Air Force, and others. He stated that the method he used would over-estimate the concentration by at least two. Using a slide presentation, he reviewed the figures they determined. He stated that concentrations at 3,000 feet were about 10 - 15 micrograms per cubic meter. He showed a small amount of dust (about the size of nickel) and stated that it is the maximum impact the quarry would have, over-estimated by a factor of two. He stated that the standards are designed to protect asthmatics, the elderly, and the young. He stated that if the mine is operated properly, it will not cause adverse impacts on people living near it.

Vivian Llambi with Vivian Llambi & Associates, a landscape architectural firm, stated that she is a registered landscape architect in Kentucky. Using slides, she discussed the preservation of the steep wooded slopes adjacent to Garrison Creek Road and preservation of existing vegetation within 200 feet of the property. She stated that they attempted to retain the visual screening between the developed portions of the site and I-275. She presented a cross-section of the line of site. She stated that they looked at the proposed grading of the plant area, which is cut down 25 feet to 35 feet from the existing ridgetop. She stated that it will be fairly easy to screen with additional landscaping. She stated that they did additional earthen berming and revegetation techniques where potential views may occur. For the I-4/PD/CD application, they worked on dedicating open space for conservation, recreation, and educational uses along the back ridge areas which includes proposed trails.

Mr. Thomas Willingham with Willingham & Associates, stated that they are the largest commercial appraisal and feasibility study firm in Cincinnati and also serve Northern Kentucky. He is licensed in Kentucky and in Ohio. He performed an independent study to determine the impact on property values for this type of facility. The study compared home sales and land sales around an existing mine facility to sales outside the influence of a quarry operation. They had to go to Louisville to do this study at the Rock Springs quarry. He stated that their conclusion was that there was no negative impact on property values. In the study, the homes abutting the quarry had higher appreciation rates than those not abutting the quarry, which

is consistent with three other studies he has done. He stated that homes and land appreciate at the same rate against the quarry and development rates have not been hindered. One of the things that helps deter a decrease in property values is a lot of setback from the property line. He stated that there are typically 15-foot to 25-foot mounds around the quarry and people would rather have privacy than other homes or activities in their backyard -- which is one of the reasons why the appreciation rates do not diminish against the quarry. He stated that the U.S. Department of Mines conducted a study in 1981 near seven existing quarries and they determined that quarry operations do not have a significant impact on property values and in some cases property values adjacent to the quarry were higher than those some distance away. A study in 1987 by two Georgia State professors found that a properly designed and operated quarry should not have a significant impact on adjacent property values. He stated that some property owners prefer to live near a quarry due to the increased open space. A study in Delaware, Ohio reached the same conclusions. He stated that his study and three or four other studies concluded that there is no negative impact on property value.

Mr. Greg Dale with McBride, Dale & Clarion, stated that he has approximately eighteen years experience in planning and is AICP certified. He has a masters degree in community planning and has worked on county Comprehensive Plans in Kentucky. He is currently involved with the update of the Franklin County Comprehensive Plan. He stated that they looked at Section 308 of the Zoning Regulations which requires the Planning Commission to consider three criteria in regard to a zoning map amendment: 1) Agreement with the Comprehensive Plan, 2) appropriateness of the existing zoning relative to the proposed zoning, and 3) whether major changes not anticipated in the Comprehensive Plan have occurred. For his analysis, he viewed the site and surrounding area, as well as the applications, the Comprehensive Plan, and the Zoning Regulations. He consulted with the experts who have spoken this evening. He has also reviewed a number of related documents, such as the 1995 Subsurface Mining Study prepared by the Boone County Planning Commission Staff. He stated that the Comprehensive Plan says that approximately sixty percent of this property is Developmentally Sensitive and suggests that it be preserved while allowing a reasonable economic return on the property. The Plan permits base industries, including mining activities. The Plan recognizes that there are recreational needs in this part of the county. He stated that the application leaves approximately seventy percent of the property that is designated as open space in its natural state. Over ninety percent of the Developmentally Sensitive Land would be in its natural state under this proposal. He stated that the proposed plan also allows for economic use of the land. It is a situation where the county has an economically productive use generating over \$450,000 a year for the county with virtually no impact on county services or roads. He stated that they concluded that the proposal is in agreement with the Comprehensive Plan. In regard to the second criteria, they looked at

the current zoning of A-1, A-2, and a small portion of C-3 and found that there are a lot of agricultural uses that include livestock, poultry processing, and commercial farming activities which could result in a much greater loss of the Developmentally Sensitive land than what they are proposing. For the proposed use, the economically productive part of the property is primarily underground, which is why they can have seventy percent open space. He stated that in the Kansas City market there are thirty five million square feet of underground mining space that have been reused for commercial uses. There are industrial parks located above and within mining areas where the mining is continuing. He stated that there are negligible land use impacts as a result of this use. In regard to major changes not anticipated in the Comprehensive Plan, he stated that since the adoption of the Comprehensive Plan there has been an increase of awareness and recognition of the importance of providing for this use in the county. Since the Comprehensive Plan was developed, the I-4 Zone has been developed for the purpose of allowing underground mining, which is a substantial change. There has also been substantial regional growth beyond what was anticipated when the Comprehensive Plan was developed that has created additional demand for aggregate material. He stated that they meet all three of the criteria. He noted that the criteria are "either or" -- only one needs to be met, but they believe they meet all three.

Mr. Willard presented additional slides and a map. He stated that the surface plant and stockpile area is increased by about 64 acres in the request for the Variance. They propose walking trails in the northwest quadrant of the property. The entrance road would be paved all the way into the surface facilities operation. He stated that approximately 136 acres of surface area will be disturbed, and the rest undisturbed except for the access roads. He stated that Martin Marietta is a recognized leader in environmental stewardship and has a proven track record for excellence. He stated that this operation can be performed in an environmentally safe and sound manner. The I-4 proposal meets all the requirements of the Zoning Code and gives the county a prime operator to meet the judicial order to locate an underground mine in Boone County.

Mr. Dressman submitted Affidavits from the following in support of the applications: Thomas Willingham, Jeannine Kreinbrink, Jeff Straw, Etta Reed, Mark Williams, William C. Kaufell, Robert Coleman, Laurance A. Beck, Sandra C. Doyle-Ahern, David R. Buss, C. Gregory Dale, and Vivian J. Llambi (see Exhibit 1). He also submitted a Legal Memorandum in Support of Martin Marietta's Request for Variance (see Exhibit 2). Mr. Dressman will submit tomorrow copies of the slides presented this evening.

Mr. Dressman stated that he has spoken to his client regarding the Staff concerns and those concerns can be addressed.

This concluded the applicant's presentation.

Following a short "stretch-in-place" break, the Chairman asked for the Staff Report to be presented.

Staff Member Kevin Wall began the presentation of the Staff Report, which included a slide presentation. Staff Member Dave Geohegan presented the portion of the Staff Report regarding the Comprehensive Plan and Traffic Impacts, which included a slide presentation.

Staff Consultant Jerry Mills, an Associate Partner with Woolpert Consultants, stated that he has a BS in Civil Engineering and has spent his entire career in the traffic field. He is concerned that the amount of traffic on the eastbound on-ramp is not shown in any of the graphics provided by the applicant. They show only the site-generated traffic, but not the total traffic on the on-ramp. He stated that the applicant's summation of the numbers is off by one and should be 157, not 156, and he questions if there is a wrong number somewhere else. He stated that perhaps they need to check their numbers. He stated that capacity and level of service for the eastbound on-ramp is not detailed in the report. The applicant says that a high percentage of the traffic is going to the eastbound on-ramp, but the analysis is not there. The applicant indicates a short merge distance onto I-275, but it has approximately 35% - 40% trucks on it and these trucks are heavily loaded and may need additional acceleration time to merge into the existing eastbound traffic. According to their figures, they are putting two trucks per minute onto the road. He stated that they do not show the peak percentages used to generate the numbers in the report -- they may have the information, but it is not in the report. The Capacity Analysis is not attached to the report. The applicant says there are 54,000 trips per year, but the breakdown of how many per hour is not included. He questioned where they got the numbers shown in the report. He stated that it is not clear when the peak hour occurs and the duration. He questioned the averages being used and stated that they are guesstimates for the future.

Mr. Wall completed the presentation of the Staff Report (see Staff Report). He referred to a letter from Ken Hund, Director of the Boone County Parks Department, regarding the quality and management of the space. He reviewed the attachments to the Staff Report.

Staff Consultant Gerard Sossong with Marshall Miller & Associates, an engineering firm, stated that he was hired by the Planning Commission to review the report for completeness and the technical aspects. He stated that he is a mining engineer and a graduate of Penn State University. He is a professional engineer. His findings are in the letter which had been distributed (see Exhibit 3). He stated that although the mineral deposits are localized and only accessible from certain areas, there is benefit from an offset with proper screening to prevent visible access to the site. According to their review, offsets of 1,500 feet or 3,000 feet are more than enough to protect

structures from damaging vibrations. He stated that there is potential for visual sighting down the road from the site toward the stockpile area and scale offices, but the planting and landscaping/trees along the entrance road should minimize that. He stated that another concern was the potential planting of trees on the berm. As adjacent properties develop, there will be loss of screening and an option is to plant trees on slopes or berms and allow them to grow up to 40' to 60' to screen the property. In regard to dust control, a concern is locating the scale office and wheel wash in the processing area which causes traffic leaving the site to re-enter a crushed stone aggregate road after driving through the wheel wash. They recommend that the scale office and wheel wash be moved up and located as proposed in the Variance request. Another concern is mineral ownership, which is sometimes separate from surface ownership.

Mr. Sossong stated that Mr. Wall made a comment about the presumption that blasts were not perceptible in the 1,500 foot range. He stated that there is conflicting information in the report. The perception is down to .02 per second in the report, but it is known from tests that at 2,000 feet it is .03, which is greater. He offered to provide additional information regarding his credentials.

Following a short break, the Chairman asked for comments from the audience. He stated that names would be called from the slips that had been signed, and others will also be allowed to speak. Comments from those in favor will be heard first.

Mr. David Noll, a property owner in Boone County, but not a resident, stated that he is in the housing industry. He stated that if our current resources are depleted in the area, we have to rely on aggregate that is trucked in to meet the demands for infrastructure and housing. If we continue to pay increased transportation costs and increased aggregate costs, there will be upward pressure on the cost of housing in Boone County.

Mr. Vince Michels stated that he was approached by Martin Marietta and asked to speak on behalf of the association he is involved with. He stated that he believes there is a need for additional quality aggregate in Northern Kentucky. He is representing a local family-owned utility and road building contractor. He stated that on a daily basis they experience problems getting good quality materials for their projects. Raw materials are currently coming from outside the Northern Kentucky area. There is considerable two-way traffic on I-275 and hauling to and from Indiana. He stated that with this project, the only thing that will change is the point of origin. The aggregate is used for road building, for new and re-construction, for hospitals, and for schools. He feels this project is sensitive to the environment and to the community and will have minimal impact.

Mr. Dave Roberts questioned the number of trucks. Mr. Willard responded that they anticipate truck traffic for routine operations of about 400 trucks per day. In busy peak periods, there may be as many as 700 trucks per day -- but that would not be a routine recurring activity. Mr. Roberts asked if they could use an average of 500 trucks per day. Mr. Willard responded that an average would be 400 trucks per day. Mr. Roberts stated that he attended the lunch on Saturday and was told 500 trucks per day, and he also heard 1,400 trucks per day -- which is 182,000 trucks per year. Five percent of the trucks will be on back roads, which is about 10,000 trucks. He stated that you have to go 20 MPH at the I-275/KY 8 interchange to get on it.

Mr. Willard stated that there will be generally 400 trucks per day. The trucks will not be overloaded and will be covered with tarp.

Mr. Roberts stated that there will be rocks coming off the trucks and damage to vehicles that is not covered by insurance. He does not like pulling out in front of the trucks because they travel at a high rate of speed. He stated that the lime dust created from crushing on the surface will blow on his roof and wash into his cistern. He lives about 1.5 miles from the site. He stated that Seagram's in Indiana is about 15 miles away and it blows into the neighborhood.

The Chairman advised those present that if they have an exhibit they want to leave with the Planning Commission, they are invited to do that and it will be included in the record.

Attorney Kevin Murphy, 207 Grandview Drive, representing E-Town Developments, DBA Traditions Golf Course on Williams Road, stated that he is also speaking on behalf of other residents including those who worship at Bullittsburg Baptist Church. He stated that if you look at the table of applicants, you can realize the headstart that Martin Marietta had. He asked the applicant if they would agree to waive the ninety-day rule so that he would have more time to obtain experts, but Martin Marietta denied the request (see Exhibit 4). He stated that better experts are the people who live in Carmel, Indiana. He stated that Martin Marietta had talked to him about their facility in Carmel, so he contacted some of the residents there.

Mr. Murphy stated that Martin Marietta said that you would not be able to perceive blasting from 1,500 feet -- but he has names and addresses of people and a report (see Exhibit 5) that says not only do they feel the blasting, but people 1.9 miles away have had their pictures blown off their walls and shelves dumped down. He stated that there is a KinderCare Learning Center in Carmel about one-half mile from Martin Marietta and a teacher there said that the entire building shakes between noon and 4 P.M.. The blasting wakes the children up from their naps. Christopher Taylor, the owner of an apartment complex whose residence is in front of the apartment

complex, is bothered by the blasting. Mr. Taylor contacted Martin Marietta and they told him the blasting would cease in a year, but it has been going on for eighteen months. Mr. Taylor described the blasting as being from 1 P.M. to 4 P.M. and it shakes his entire house. He is also concerned about the speed of the trucks. Mr. Taylor's complaints to Martin Marietta have fallen on deaf ears. Mr. Murphy stated that they also talked to an auto dealership one-half mile away and there was dust all over their new cars. Mr. Huffman at the dealership described the shaking as being equivalent to someone driving through his building. They also spoke with a man who lives next door to the mine and drives a truck to the mine for a living. Mr. Murphy commented that the church will be right across the street from the proposed mine. (He stated that he will follow up with an Affidavit on this). He stated that the man who lives next to the mine said that the blasting is from mid-afternoon to 4 P.M. and is sometimes upwards of four times a day. He described it as being similar to a freight train going through his property. One house on his property has a cracked foundation, which he attributes to the blasting. Mr. Murphy stated that there is a dust problem. He stated that the amount of water Martin Marietta uses is staggering in an attempt to keep dust at a minimum. Martin Marietta is constantly receiving complaints about dust and their remedy is to give a chit for a car wash.

Mr. Murphy questioned what will happen to Bullittsburg Baptist Church from the mine. He stated that another man in Carmel has problems with the seals on his windows and cracks in his foundation -- he has contacted Martin Marietta but the issue has not been resolved. At the Scandia Apartments, which rent for \$570 - \$890/month, the Assistant Manager, Jan Cook, said that the blasting is so severe that pictures are knocked off the walls. She personally had a shelf fall from the blasting. The manager constantly hears complaints from the tenants about the blasting. In May, 1996 someone came to the apartment complex and asked if they could put a seismograph there to take readings. The seismograph was there from May to September and then they never heard any more about it. The Scandia Apartment complex is almost two miles from Martin Marietta (1.9 miles by car and maybe less as the crow flies). Mr. Murphy stated that these are real people -- not people paid by anyone. He stated that Autumn Woods Apartment Complex is almost two miles away and their manager, Dianna Witte, stated that she receives calls from the tenants about the shaking and blasting.

Mr. Murphy stated that they did not find anyone outside of two miles from the mine that hears the blasting -- but two miles is a lot different than 1,500 feet. He stated that there are a lot of regulations regarding blasting, but they deal with the safety of the workers -- not with residents who have cracked foundations. He stated that many homeowners policies only cover damage if the blasting occurs on the homeowners premises. He stated that there is

a good chance that the residents will not be able to go to their own insurance company and will have to look to Martin Marietta.

Mr. Murphy stated that the Comprehensive Plan was well discussed by Staff. He stated that the Comprehensive Plan is very clear that this mine cannot go at this site. On the first page it states that "The success of this plan is largely dependent on the citizens of the communities and the developers who respect the Comprehensive Plan". He stated that everyone needs to play by the same rules. When they purchased the Traditions property, the plan for the community was agricultural, residential, and recreational. The investment his client put into the golf course and surrounding areas where they hope to develop in the future is in the millions of dollars. This application is changing the rules of the game after they made their investment. He referred to Page 4 of the Comprehensive Plan which states that "Future growth shall be accompanied by adequate infrastructure and services". He stated that the Comprehensive Plan protects them. He stated that the prevailing wind takes the dust right over the golf course. On Page 214 of the Plan it says that the Idlewild interchange and a substantial portion of KY 20 are appropriate for recreational uses, such as the golf course. The Plan states that once road access and utilities are available, that is the time to develop. He stated that Martin Marietta does not want to follow the Comprehensive Plan and wants the Planning Commission to void the Comprehensive Plan -- which is why there is so little discussion of the Comprehensive Plan in their presentation. He emphasized that the Comprehensive Plan says "shall be accompanied by adequate infrastructure" -- it does not say "may". On Page 215 of the Comprehensive Plan it talks about this site. It says that the Idlewild interchange should allow highway related commercial growth on the southern part of the interchange because of the established residential uses and church uses on the north end. That was not in the applicant's presentation because it says that this mine cannot go on this site. He stated that the number of vehicles in and out of the site will approach 1,750 vehicles per day (trucks and employee vehicles). He stated that there will be a truck every twenty seconds. The small trucks are ten tons and a tractor trailer will be carrying 25 tons.

Mr. Murphy stated that in testimony before Fiscal Court, Martin Marietta stated that the mine could be in existence for ninety years -- so this decision will affect the people here, as well as their children and grandchildren. He asked the Planning Commission to consider the dust, and to consider 1,400 trucks a day and their back-up beepers. The beepers are federally mandated and will have a piercing effect on the whole neighborhood. He noted that it was mentioned that there will not be an asphalt operation -- but it is on the documents they submitted. He stated that they plan to do asphalt and concrete in the future. The interchange cannot handle the trucks.

Mr. Murphy stated that there is a part of the Comprehensive Plan in regard to the airport. It is very clear in the Plan to make certain that anyone who buys a new residence not impacted by the airport will not be impacted in a year or two. We do not want people to buy a home and two years later have planes landing over their heads. Consider this in regard to mining -- the Plan never called for that use. The land will go from being the most pastoral to the most egregious industrial use that includes ripping up the land.

Mr. Murphy stated that the trucks will not be tarped. He stated that there is a video of the trucks in Carmel, Indiana and they are not tarped. He questioned how much water they will need and stated that it will be millions and millions of gallons per day. Where will the water go? He noted that the applicant stated that they would have a lagoon operation -- but the raises issues of odor, algae, and bacteria. He stated that they intend to dam the creek -- what right do they have to do that? He noted that Staff said it needs to be historically preserved. If they are going to try to take as much water as they can out of the ground, how will that affect the surrounding community? He stated that the Comprehensive Plan speaks to stream security and sedimentation, algae and bacteria. He asked the Planning Commission to consider the crushing operation above ground and that there will be a significant amount of dust.

Mr. Murphy stated that the statute gives the Commissioners the right to deny the applications. KRS 100.213 gives findings for a map amendment. He stated that what they are asking for is not in agreement with the Comprehensive Plan and violates current zoning. He stated that a map amendment can be made if the existing zoning classification is inappropriate and the proposed is appropriate -- which does not apply for all the reasons stated. In regard to major changes of a physical or social nature not anticipated in the Comprehensive Plan. He stated that you can drive out there and see that there have not been any major economic changes to warrant this change. There is no exception, so KRS mandates that it must be turned down. The Variance request is the same -- if you go down the list it is "no/no/no". In regard to the PD, he does not think too many people will go on the walking trails when people in Indiana are experiencing blasting two miles away.

Mr. Murphy submitted copies of the interviews with the people in Carmel (Exhibit 5) and a video to show dust coming from the Carmel plant and going across the road. He stated that Judge Bartlett's order was not final -- it said the Planning Commission had to draft regulations, which it did, but for some reason the case was never closed. He stated that he asked questions of Staff and they could not answer because of pending litigation -- which causes them not to have some of the information they would like to have had. The case is still open, which means it can be appealed. He stated that Mr. Dressman mentioned that Martin Marietta would sue, and people are worried about being sued, but the Planning Commission has the

Comprehensive Plan and the moral right and duty to turn this down. He introduced Chris Penn with Traditions.

Mr. Chris Penn stated that Mr. Murphy has credibility and he does not believe Martin Marietta. He stated that with experts, for every one in favor there is one against. How you appraise property depends on whether you are buying or selling. Appraisals are generally done as instructed by the client. He stated that he has been around mining. Two years ago their company blew up one-half million cubic yards of limestone in Kentucky to raise a site for clients who wanted to go there. At 1.1 miles away from the mining site, you hear the noise, feel the vibration, and see the dust from the blast. He does not know how anyone can say his property will not be affected when it is less than 3,000 feet away due east. He will have prevailing winds and dust carried to his property. There will be dust in his drinking water and dust on his golf course, which is now rated #3 in Kentucky. They have millions of dollars invested there. He stated that the people do not deserve the dust, noise, traffic, and congestion for \$480,000 a year in project revenues. Hundreds and hundreds of residents will be affected. He stated that the Comprehensive Plan was adopted in 1995 and it is a 25-year plan. Planners monitor it and adjust it and are responsible to uphold it. The Plan is four years into the 25 year life span -- and what has happened that causes the Planning Commission to even consider an application for something else? He stated that they purchased their property and relied on the Comprehensive Plan. Four months ago, they purchased another one hundred acres. He stated that if there were a single-family development of three units per acre and condominiums of five to seven units per acre, there is the potential for 1,500 homes to be built here over a twenty year period. With an average price of \$400,000, that is about \$600 million in real estate value twenty years from now. On a tax base of \$10 per thousand, that is \$6 million in revenue to the county -- and that is playing by the rules. He is not going down on his development financially, and there are 300 - 500 residents who will back him up.

Attorney Tim Theissen with Strauss & Troy in Covington, representing the officers and members of Answers in Genesis, stated that Answers in Genesis is a non-profit religious ministry that recently received zoning approval to build what was shown on the exhibit. The Answers in Genesis site is located immediately adjacent to I-275 because of visibility and to improve the impact on the neighborhood. What they are planning there has been approved by Fiscal Court. It is a non-residential type development. He stated that there is no justification for a mine as a result of the Answers in Genesis development. Answers in Genesis opposes the mining development because of the impact on the neighborhood. The Answers in Genesis development is not a basis for a mine. He presented an exhibit showing the south side of I-275 where Answers in Genesis will be and noted the area shown in blue which is industrial. He stated that the mine is in an area not planned for that type of development. The

Answers in Genesis development was in keeping with the Comprehensive Plan and they played by the rules. Answers in Genesis was legally identified as an industrial use, but it is not industrial in the same manner as industrial uses with smokestacks and truck traffic. The uses Answers in Genesis intends to have on their site are nothing like what Martin Marietta intends for their site. Answers in Genesis anticipates one tractor trailer type truck per week. Answers in Genesis is only developing a few acres of their site in an active way. The lake is being preserved and the Developmentally Sensitive areas are not being touched. There are not health risks created by Answers in Genesis. Answers in Genesis is immediately adjacent to I-275 and will make a positive quality appearance from the road. They were never asked to hide their development behind a berm. Martin Marietta is suggesting that their development is so ugly and so affects the area that it has to be hidden behind a berm. That is not the kind of development wanted in Boone County. He stated that he has a lot of pages regarding dust and noise, but Mr. Murphy did such a good job that he will not repeat the comments. He stated that Answers in Genesis supports the comments made by Mr. Murphy and Mr. Penn.

Mr. Alva Wood, who lives on the Gallatin County line, stated that a year and a half ago a limestone mine moved next door to him. The dust is very bad and settles on the roof. The water in the cistern has turned gray and they now have to buy water. Pictures get knocked off the walls from the blasting and there are cracked foundations. His cistern was cracked. The dust penetrates everything and gets inside the house. He submitted pictures. People look at property for sale on his street, but when they see the mine they say "forget it".

Shelly Payne, who lives near Mr. Wood, stated that they live in the dust and have cracked foundations. They have no one to help them with the problems they have. She asked if there would be public access to the mandatory record keeping.

Mr. Willard responded that the permit requires that it be furnished to the state.

Ms. Payne stated that they feel and hear the blasting. There are residents who have mining going on below their houses and they can hear the beeping of the trucks every night about 3 A.M. or 4 A.M.. She asked how this mine will be different from the one in Gallatin County.

Mr. Willard stated that he visited the Gallatin County mine and the entrance is not paved and there is no truck wash. He stated that the mine is still under development. Mr. Dressman added that there are no zoning restrictions, no required buffering, and no impact controls.

Ms. Payne asked if everything is being documented.

Chairman Caddell responded "yes" and advised that it will be forwarded to the Zone Change Committee.

Ms. Payne stated that people need to make sure that pictures are taken of their homes before this starts. She stated that the trucks are very dangerous. The mine is currently crushing at night rather than in the day time. The trucks carry oil and diesel fuel, which they can smell in the summer. She suggested that people come there and look around. She stated that property values will go down.

Betty Merida, Southfork Road, stated that she lives about a mile from the mine in Gallatin County. She stated that they were told by experts that there would be no dust. She asked the Planning Commission not to let this mine go in.

A gentleman in the audience asked if the county receives a severance tax on the limestone that is removed from the mine. Mr. Dressman responded that it is 4.5% of the sales price. The gentleman asked if the mining takes place only on the land that is zoned for mining.

The Chairman explained that the question is whether the mining goes beyond the property lines. Mr. Dressman responded that the straight I-4 zone requires all activities above and below ground to be outside the 3,000 foot setback line. He stated that they cannot mine someone else's minerals.

Amy Boese, 5673 Petersburg Road, which is about 3.5 miles from the site, read a letter from Tim Barteel, Resource Conservationist (see Exhibit 6) and a letter from Clara Wieland with the Floracliff Nature Preserve (see Exhibit 7). Ms. Boese stated that she heard the test blast on January 17, 1998 at her home. She has a copy of the Vibration Study which says the vibration can be felt at 2,745 feet -- so it's a good thing there is a 3,000 foot setback. She read from the Vibration Study that "Most, if not all, homes have cracks in plaster and ceilings that increase over time due to environmental factors and changes in humidity. Very often a homeowner is not aware of these conditions until an unusual event -- blasting, sonic boom, or thunderstorm -- draws their attention to them. He then assumes the cracks are new." She stated that Martin Marietta is setting the stage for homeowners claims for damage. She stated that they are also being told that Martin Marietta has not had to pay claims for damage. That does not mean claims were not made -- it means claims were not paid. She stated that the report refers to "trips" -- one trip is in and one trip is out, but there are 1,433 vehicles moving through the intersection during the day. A typical five-axle truck measures sixty feet -- so 60' x 1,433 trucks is 16.3 miles of trucks every day going through an intersection that already sees trucks from the gravel pits. Local residents are going to have to make reservations to get on I-275 in the morning. She stated that there

is a truck ban on I-75. She stated that the new mine in Gallatin County has a fifty-year supply available. She will gladly pay extra for aggregate not to have this limestone mine in her back yard. They have evidence from Gallatin County that dust spread four to five miles from the mine. Every time they blast there is a mushroom cloud of dust that is picked up by the winds. All of the paint has been eaten off Mr. Woods' car. She stated that Martin Marietta says they will suppress the dust -- but she understands that there are foam substances that are much more effective than water and one of them is manufactured by Martin Marietta. She asked that the long term impact of the project on the area be considered.

Mr. Dennis Helmer stated that he and his wife live in Florence and have 442 acres at the end of Stevens Road which they have farmed for many years. They are concerned about how the dust will affect crops and cattle. He stated that blasting is considered one of the most hazardous endeavors. He can foresee a strain on the court system in Boone County from the dust problems and the court is already strained. He stated that Martin Marietta should create an arbitration panel so that cases can be considered without spending a lot of money on courts and experts. He submitted his comments (see Exhibit 6).

Mr. Louis Crigler, 3547 Petersburg Road, stated that he served at the Pentagon and most of the time he can count on his experience. His son and his wife own a home near the Pendleton Butler Kentucky mine and the home his daughter-in-law's parents own is about 3,000 from the mine. Everything we heard about Carmel is happening to residents of Butler, Kentucky. He stated that the mine in Butler, and probably the mine in Carmel, and in Gallatin County, all operate under the same state and federal regulations. His son's home and his son's inlaw's home have cracks in the ceilings and in the walls. The noise is objectionable. He stated that residents up to two or three miles away are going to be impacted by the blasting. He agreed with the statements about traffic. He stated that the residents all have cisterns and will be heavily impacted by the dust. He suggested going to Butler, Kentucky and talking to the residents. The mines are not like what was shown in the Power Point presentation. They impact the people very negatively and future development like the golf course cannot occur with mining in this location.

Mary Brady, a resident of Bullittsburg Church Road, read a letter from The Boone Creek Neighborhood Association in Lexington, Kentucky (see Exhibit 7) regarding the impact on their neighborhood from being in close proximity to the limestone quarry. Their house shakes from the blasts. As the mine expands, vibration and noise become more intense. The water from the facility occasionally overflows the storage tank and impacts the stream. Once established, the quarry business is an ever-expanding industry and a constant source of problems. The trucks are clocked at 65 MPH and 75 MPH on a two-lane country road and are generally uncovered. At least once a year,

trucks are overturned. There is not sufficient policing of violations and by the time someone calls and the authorities respond, the offenders are gone. Even if the trucks are covered, rocks still bounce off of them. The quarry is a negative impact and lowers property values. It is a health and safety hazard.

Ms. Brady then presented her own comments. She stated that we do not need 600 or 1,400 trucks a day on the interstate, which is already in need of repair. She stated that KDOT does not monitor truck traffic. Gravel trucks travel without tarps throwing sand and gravel all over and they tailgate. The dust will be unbearable. The residents are already dealing with the airport. The dust will travel for miles and will land on the trees and put a coating on the interstate. The vibrations will affect their homes and crack foundations -- which is not covered by insurance. Not one person in the area has found an insurance carrier that will stand by them when their homes develop problems from mining operations. She stated that Fiscal Court allowed Answers in Genesis to put their water treatment plant into the creek, and now Martin Marietta wants to dam up the creek. She stated that this intersection is the only one the Planning Commission has left to plan and get it right.

The Chairman asked those who agree with what has been said to say that they agree with the comments made.

Debbie Cummings, 4062 Petersburg Road, who lives within one mile of the site, stated that they bought their property eleven years ago and were assured by Planning & Zoning that this area would not develop as industrial. They did the research and bought the best place for their family. She questioned who will pay for the increased traffic control for the 1,433 trucks per day. She has seen what the truck ban on I-75 has done to I-275. She stated that the blasting and truck traffic will destroy their rural lifestyle. Her insurance does not cover any structural damage to her home from the blasting. How can she fight the second largest mining company in the U.S.? She feels that the 3,000 foot setback is too limited and it should be at least two miles. She questioned Martin Marietta buying the homes that will be affected by the I-4 zone since they are projected to profit \$600,000 per day. She is concerned about air pollution and contamination of the water supply. They have a cistern that will be polluted by the dust. She asked if the county has evaluated Martin Marietta and the violations they have. She questioned how the trucks will be washed down to decrease dust on the roads when it is freezing outside. She questioned what good \$480,000 in tax revenue will be when their property values have decreased. She stated that she owns the mineral rights to her property -- how can she be assured Martin Marietta will not be stealing her minerals? How can the disposal of nuclear waste or environmentally offensive materials in the old limestone shafts be prevented? She stated that mining has a negative impact on wildlife. Their area is beautiful and is the first exist

from Ohio and Indiana. She would like to see a KY 20 Corridor Study. She feels that the Planning Commission should protect their area from this rezoning. There are other areas more appropriate for this type of industry. If the county intended this area for I-4 zoning, they should not have allowed the last ten years of residential growth.

Mr. Carl Smith, 4752 Petersburg Road, who lives about one mile south of the site, stated that he is a professional engineer with over thirty years of construction experience with the Army Corps of Engineers. He agreed with what has been said. He feels that the operation could be expanded for related activities, such as asphalt, concrete, and brick block manufacturing plants. He stated that a mining operation is the worst industrial development you can have. He stated that the Planning Commission has the responsibility to the Boone County residents to protect one of Boone County's last green spaces. He urged the Planning Commission to protect the western part of Boone County from development that can destroy the beauty and quality of life. He stated that many residents have based their future life plans on the Comprehensive Plan -- so we should stick with it. Martin Marietta's prime interest is money -- which they will make at the homeowners' expense -- and they are not interested in the beauty and conservation of the area. He recommended that the Commissioners visit existing mines. Mr. Smith submitted his comments (see Exhibit 8).

Ruth Tanner, 2949 Idlewild Road, who lives about a mile from the site, showed pictures (see Exhibit 9 - three large sheets of 6 pictures each) and questioned why Boone County would want to change this intersection. She stated that what Martin Marietta proposes will be a regional draw for industry -- it will change the whole tune of the intersection and it will become industrial wasteland. In 1995, the Boone County Planning Commission in the Comprehensive Plan on Pages 214 and 215 said that this area is to develop residentially. The Garrison Creek Valley should remain a greenbelt adjacent to residential growth. The area west of the golf course should develop residentially. There is no mention of mining or industrial zoning in the Comprehensive Plan for this area. She read and submitted a letter from Dr. John Ammon and Peggy Ammon (see Exhibit 10) in opposition to any plan that would allow mining in Western Boone County.

Mr. Robert Miller did not respond when called.

Mr. Will Stevens, 2941 Bullittsburg Church Road, stated that he is concerned about the water system and the roads. On behalf of Susan Bradley, the care taker of Bullittsburg Baptist Assembly, who lives on the site, he stated that the church's name has been used freely and it has been conveniently vaguely used. He stated that comments were made about a device placed on the Bullittsburg Baptist Church property -- but the Directors did not know that and he did not know that. He does not know where the device has been placed. He stated

that the church does not want the mine there. The church does not want others to use their name to imply that they are okay with this. He stated that they have been there for over two hundred years and intend to stay there.

Carol Kirkwood stated that most of what she had to say has been said. They do not want Martin Marietta as presented to them, but they have no recourse -- it is too big a company to fight. She stated that the Planning Commission's responsibility is to the residents first.

Mary Jo Amann, 6279 Petersburg Road, agreed with the others. She stated that if you travel I-275 and the eastbound ramp, you will never support 400 more trucks a day. She feels that the independent drivers will not put tarps on the trucks. She stated that in building a home, you use a minimum amount of aggregate -- it is not the biggest expense. She suggests preserving and protecting historic Petersburg.

Mr. Ron Rigsby did not respond when called.

Terry Masters, 4013 Petersburg Road, stated that they have worked hard for what they have and Martin Marietta wants to destroy their plans to sell or downsize for retirement. Their home will diminish in value. Who would pay for a home in this zone with mining so close? In the event of an earthquake, who will the insurance companies determine did the damage -- the earthquake or Martin Marietta? He stated that Martin Marietta was tossed out of Kenton County and now thinks Boone County will give in. He believes this will kill development at the Petersburg I-275 interchange, which they need. He stated that if this is approved, Martin Marietta should buy their homes -- which would be a sad ending to a fine country community. He submitted his comments (see Exhibit 11).

Robyn Gosbee, James Herrmann, and Paul Marshall did not respond when called.

Patsy Ligon, 2963 Bullittsburg Church Road, a resident for 31 years, agreed with the others. She stated that \$450,000 in taxes will not build a replacement road on I-275. She stated that the Petersburg residents depend on their wells. What will happen if Martin Marietta uses all of the water underground?

Sue and Jim Campbell stated that their comments have been said. They added that the residents put a lot of money into their homes and they do not want to leave.

Milton Mounce did not respond when called.

Nancy Roberts agreed with the others.

Kerry Trouberman did not respond when called.

Mr. Ronald Lubbe agreed with everything that had been said.

Kerry Smith did not respond when called.

Vanessa Wiechers stated that she and her husband bought in Boone County twelve years ago about a mile from the proposed mine. They are opposed to the mine. It will be a mine with blasting, dust, and sediment, which is a health hazard, and her daughter is asthmatic. She will not be able to use her cistern or swim in her pool. She stated that there are school buses on the expressway. There will be destruction of the environment, which is absolutely gorgeous, and has historic value. She stated that they want smart growth, not industrial.

Vicki and Terry Rogers did not respond when called.

Brad Flynn did no respond when called.

Tom Roberts, 3175 Roberts Lane, which is about a mile from the proposed mine site, questioned the slide and statement that there was a judicial order designating an underground mine. He thought the judicial order was simply for industrial, not specifically for an underground mine.

Counselor Wilson responded that the Order did not specify where subsurface mining would be located.

Mr. Roberts stated that the Plan does not propose I-4 zoning for this area -- it allows consideration of industrial. The twenty-five year plan is not a proposal for industrial for this intersection -- it merely allows the consideration. He, his wife, and his mother oppose the request.

Eugene Dunn, a resident of Bullittsburg Church Road for 30 years, is opposed to a mine that close to them. He does not think Martin Marietta will police the operation. He questioned if the mine will eventually be used to store hazardous material. He questioned the impact the mine will have on the campground just across Garrison Creek. Will it deny citizens access to Garrison Creek which is a blue line creek? Will they dam the creek and stop it flowing? Can they be assured that pollution will not get into the river? He asked if there are cemeteries on the property. He stated that they do not need more pollution in the area. He wants the land utilized to the well being of everyone concerned. He is opposed to the mine.

Pat Placke, 938 North Bend Road in Hebron, since 1969, stated that the northern portion of the county is becoming as impacted by industrial, commercial, and residential growth as Florence. Areas of green space and clear air are disappearing. The Garrison Creek Valley is one of the last pristine areas left in Boone County.

Sheila Merrell, 2829 Jordan Lane, agreed with the others.

David Merrell showed and submitted pictures of the mine on Route 8 (see Exhibit 12). He suggested that everyone go there and look at it. He submitted letters from Calleen Kalkhomer (see Exhibit 13), Clarence Goff, Jr. and his wife Doris (see Exhibit 14), and from Mary Beimesch (see Exhibit 15). He stated that the letters ask if Martin Marietta will pay the increased premium for their insurance as a result of the close proximity to the mine. Will they pay for increased sound barriers? Will they pay the homeowners for loss of property value? He submitted his comments (see Exhibit 16).

James Woolston-Smith, 1209 Cross Pointe Drive in Hebron, agreed with the others. He stated that this looks like an economic disaster for Boone County. Martin Marietta will only pay \$400,000 in taxes and that is nothing when you consider the dangers and the damage done to the area by the decrease in property values. He questioned the dollars the people present were contributing compared to what Martin Marietta would be contributing and stated that he believes the residents are contributing more. He stated that the Planning Commission should take care of the people who live by the rules and care about Boone County.

Mr. William Moore, representing property and he his wife own that is next to the mine, as well as his mother and children, stated that they are probably the closest to the mine and have 3.3 acres. He stated that the mine will go right to the line. He does not think there will be limits on how long it will be there. He stated that you can go to Indiana (Carmel) and see that the dust is flying and nothing is being done to water it down. He stated that he hauls cement and truck washes do not work. He stated that a few years ago, they put earthquake coverage on their plant and it was a few dollars a year, but now it is \$700 a year. What will happen if there is an earthquake with the mine there? Will his house slide into a big hole? He encouraged the Planning Commission to send this on to a higher court.

Jennifer Warner, owner of a Bed & Breakfast on Stevens Road, stated that if there had been more notice from Martin Marietta, this room would have been full tonight. She has 1,229 signatures of Boone County people who oppose any kind of mining in Western Boone County (see Exhibit 17). She feels that the word is not out and people do not understand that this is going to affect them. She noted that the petitions state their opposition to any rezoning of any land in Western Boone county to allow underground mining of any type. They do not want increased truck traffic, blasting, dust, noise, air and water pollution, or other problems generated by this industry. She referred to Mr. Woods comments (he lives near the mine at the Boone/Gallatin line) and she stated that they have shown cracks in brick houses, in walls, buildings, and basements caused by the mining

and the mining company has refused to settle with them. Her first experience with Martin Marietta was in 1980 when she was working for the state department and given an assignment that included going through stacks of environmental violations. She saw page after page listing Martin Marietta thirty and forty times. They said it was cheaper for them to pay the fines than meet the standards. She stated that it is not much to donate \$100,000 a year when they have a \$1.1 billion profit -- she would be embarrassed to admit she gave 1% of her money to charity. She stated that once the air is polluted and the land is polluted, it is gone. She does not think the land can be reclaimed after the mining. If this is approved, there will be other applications for I-4 zoning and other mining companies coming in right behind Martin Marietta. She urged the Commissioners to visit the mine at the Boone/Gallatin County line unexpectedly. She stated that those people need help and the government is to help and serve the people. If this mine goes through, their properties will be unsalable and her four year old daughter will be devastated to leave the home she loves. Why draft a Comprehensive Plan that is violated all the time? She stated that they own twenty acres. The mine will destroy their Bed & Breakfast business and their historic home. Their house is on a dry stack foundation, as is their neighbor's. She stated that they will open their house and the church would be willing to show the Commissioners the historic value of the area. They cannot market country serenity at their Bed & Breakfast when it sounds like a war zone. The heavy equipment runs day and night -- and, even if there are restrictions, they are routinely violated. She wants Martin Marietta to provide a medical professional to testify about the benefits of living near a limestone mine. There will be three vent pipes on the site and the residents near the mine will have dust hovering around their homes. The Boone/Gallatin County people have had cisterns crack because of the blasting. Boone County has no noise ordinance and the zoning regulations that are weakly based on voluntary compliance. She noted that fourteen deaths have been attributed to the trucks. She stated that the Traffic Study and the Appraisal comments did not have comments by Martin Marietta. The traffic study was done after the truck traffic had been rerouted. She stated that they would never have bought their property if they had been subjected to the traffic they have now. She stated that they received a letter from Mr. Eggleston and one of the claims was that Martin Marietta would do a pre-blast survey on video and that they set up regular meetings with area citizens to resolve problems. If the mine causes no problems, why must they have meetings monthly? She stated that lawsuits are Martin Marietta's favorite game because they are a tax-deductible business expense -- but Boone County stands to lose everything, including the air we breathe, the ability to carry on a conversation in their back yards, and clean water. Once the mining has begun, the problems will not lessen. Once the creek and river collect limestone, the fish will die. Residents who live near mines are unable to sell their properties. If the Planning Commission allows the mine, they demand that Martin Marietta be required to buy their

properties. If the Planning Commission allows Martin Marietta to destroy their properties and their lifestyle, they will be forced to sue the county. They know Martin Marietta will sue the Commissioners individually if they are turned down, but they will also sue. She submitted her comments (see Exhibit 18). She stated that Carl Smith would like to speak.

The time being after midnight, Chairman Caddell asked to conclude the audience participation. He stated that if there is anyone who would like to bring to attention any matter that has not been brought forward by someone else, they will be given the opportunity to speak.

Robert Brill, 1889 Stahl Road, commented in regard to silicates, asbestos, and other substances being involved with limestone. He stated that an executive can call up a company that purports to be expert and for money the expert will come up with something. He stated that their word should be their bond. If any of what they say is not true, there should be an agreement with them and a court in this area will be the last resort. If what they have presented here is not true, then they and any of their paid experts who was wrong, should pay.

Carl Smith 2706 Stevens Road, a resident for twenty-four years, stated that his wife is buried in Bullittsburg Cemetery. He questioned if the bodies will be relocated.

John Morgan stated that he is a mining consultant for Hilltop Resources and they have a zoning application on other property. He stated that some of the ideas are barge transportation. He stated that limestone should be transported by barge. No trucks decreases the impact on the community. Other issues of that application are underground storage and processing.

The Chairman asked Mr. Morgan to confine his comments to the subject application.

Mr. Morgan stated that it is feasible to use underground crushing, screening, and storage and you will not have the effect of dust and noise. He stated that all of the technical alternatives should be considered. The off-site effects of mining can be reduced by changing the mining approach and the processing approach. He submitted comments regarding Hilltop Basic Resources, Inc. (see Exhibit 19).

Peggy Taylor, 1084 Merrill Road, stated that the applicant said they would get water from a well. How big and how deep will the well be? She stated that there is talk about a 3,000 foot setback -- but what about the property owners to the north on Merrill Road, Williams Road, and the subdivisions off North Bend Road? There will be a big environmental impact on a lot of subdivisions -- they will feel the vibrations and get the dust. It is not just the immediate properties

waste land. She asked the Commissioners to listen to the people and not to big business.

Angela Fibbe, 3377 Belleview Road, Petersburg, asked if it is a common practice in all of their mining to keep it watered down, including surface mining.

Mr. Willard responded "yes".

Ms. Febbe stated that she lives in front of a Martin Marietta surface mine on KY 20 and when the wind blows it looks like a scene from the Grapes of Wrath. She does not think the watering down helps at all.

A gentleman stated that he can see I-275 from his house and this week he started counting big trucks between 6:00 and 6:30 in the morning. The number of aggregate carrying trucks did not match the numbers he heard. He stated that there were about a third as many trucks as they are saying there will be.

Lisa McQueary, a resident of Boone County for 31 years, asked how many violations Martin Marietta has been involved with involving air pollution or water pollution and the dollar amount they have had to pay.

Mr. Dressman responded that they do not have that information at this time, but they will provide it.

Ms. McQueary stated that she wants to know the dollar amount the company has paid out and the amount of the charges. She stated that Martin Marietta will just pay the violations and the residents will suffer.

The Chairman concluded the audience participation at this time.

A lady in the audience submitted written comments (see Exhibit 20) and asked when the people will have a chance to have their say. They have sat and waited all this time.

The Chairman explained that he has asked for anyone who would like to provide information that has not been shared to come forward.

Ms. Warner brought her daughter to the microphone and she said that she did not want to ever leave her house.

At this time, the Chairman asked for questions and comments from the Commissioners.

Mrs. Arnett questioned emergency services.

Mr. Willard stated that he does not understand fully how the regulations are set up, but there is a procedure they are required to

comply with for mine safety and rescue, and it depends on the number of mines operating in a geographical area and the number of employees that may be under ground at any one time. EMSHAW told him that because of the Gallatin County mine operations, they will require Martin Marietta and that operator to provide equipment and trained personnel to set up a mining rescue team. They will be allowed to partner with and get assistance from the local fire and rescue squad.

Mr. McMillian questioned the material used for blasting.

The applicant responded that there will be a mixture of materials, a blasting cap for delay, a basic water gel or other material for emulsion, aluminum nitrate base materials, and acceleration is by fuel oil or some other type of material. They are typically packaged materials for this use.

Mr. McMillian stated that they had shown new pictures of a mine they had just started. He asked if they have any pictures that are five or ten years old.

Mr. Willard stated that the mines are all older -- one of them has been in operation for twenty-five years. None of them is a new mining operation.

Mr. McMillian questioned older pictures. Mr. Willard stated that the photographs are four or five years old. Mr. McMillian asked if they were pictures that were taken of mines that had been in operation for four or five years. Mr. Willard responded "yes".

Mr. Damstrom stated that the applicant indicated that the crushing would take place under ground -- but where does it take place before the hole is there? He questioned the water source.

Mr. Willard responded that the material that is blasted prior to the hole is conveyed up the hill to the portable crushing facility or they can install a portable crushing facility on the property. Mr. Damstrom asked if this would involve excessive noise. Mr. Willard responded "no". In regard to the water source, he stated that in the north west portion of the property is the proposed stormwater impoundment that permeates approximately eight acres and will obtain about 32 million gallons of water. It will be recharged from rainfall and/or the development of deep wells. If this request goes forward, the permitting process will require an investigation to determine where to strategically locate this water processing facility.

Mr. Ries stated that the real estate expert stated that there would be no depreciation of properties and quoted from several studies. He asked if those studies could be submitted to the Committee.

Mr. Willard stated that they are in the report. He added that they have numerous studies they can submit.

Mr. Zimmer questioned what will happen to Garrison Creek Road east and west of the site. Mr. Willard responded that they will upgrade and improve its condition. Mr. Zimmer questioned "that will be east as well as west (west/north) of the site?". Mr. Willard responded "Yes, through our property". Mr. Zimmer asked if it is a 28-foot collector road.

Jay Bayer with Bayer & Becker Engineers stated that attached to the Staff Report is a letter from County Engineer Greg Sketch requiring that the road be designed to subcollector standards. Mr. Zimmer stated that it is a steep grade. Mr. Bayer responded that the grade will be approximately what it is now. Mr. Zimmer asked if it will include an intermodal transportation bike path. Mr. Bayer responded "no" and noted that if you refer to the Staff Report it says this is not a suitable location for that.

Mr. Zimmer stated that he has concerns about the sites east and west of this site that are in an area that the Comprehensive Plan identifies for recreational purposes. He is concerned that we do not have an intermodal means of transportation to connect those sites. He stated that special consideration should be given for a mode of transportation that is separate from any transportation system that goes through the site. He stated that for Answers in Genesis, it was represented on the map that it was an Industrial parcel. Was it changed?

Counselor Wilson responded that he believes it was the Future Land Use Map that showed it as industrial. Mr. Zimmer stated that he is concerned that the PF designation is there and the site will be accessed by school buses. He asked if consideration has been given to the fact that this will be accessed by school buses and there will be trucks and school buses at the intersection.

Mr. Willard stated that he is familiar with many operations where elementary and high schools are within a few hundred feet of mining operations and many of them were constructed after the opening of the mining operation.

Ms. Etta Reed stated that when they did the trip generation for Answers in Genesis, they did not separate out the buses. Mr. Zimmer asked if they distinguished how many trips would be made south of I-75 on I-275. Ms. Reed responded "no" and stated that they did not explore any further than the interchange. Mr. Zimmer asked if that would be explored as part of their application to the Zone Change Committee. The Chairman stated that this can be referred to the Zone Change Committee.

Mr. Zimmer asked who will ultimately own the property that will be recreational and who will maintain it. Mr. Dressman responded that that has not been determined. Mr. Zimmer stated that one of the letters we have is from Parks & Recreation and one of their concerns is who owns the property and who maintains it. He stated that in the application they use the term "interim use". He questioned what that means.

Mr. Dressman stated that the way the I-4 ordinance is written, they have to have an approved Concept Plan so that there can be no modification or major changes in structures without coming back to the Planning Commission. Mr. Zimmer referred to Page 30 of the application regarding an interim land use. Mr. Dressman stated that he will have to review this.

The Chairman asked the applicant to bring a response to the Committee meeting.

Mr. Zimmer stated that the trail system they are proposing appears to pass close to the exhaust ports for the mine. He questioned the noise level at those ports. Mr. Willard stated that they can get this information. Mr. Zimmer stated that their intention is to berm the trails and people will see land elements and not mining elements. Mr. Dressman responded that they will do whatever they have to do to reduce noise and visual impacts.

Mr. Zimmer stated that the Staff Report says "future asphalt and concrete operations are planned for the surface operation area". Mr. Willard responded that that is in the future and not part of this application.

Mr. Zimmer stated that the Commissioners have a letter from the Home Builders' Association. He asked if it is from the members of the HBA or the president. Mr. Costello responded that it is from the president representing the whole association and the members.

Mr. Zimmer stated that there is a letter from the resource conservationist. At the port of the mine there was concern about the slopes possibly being in excess of twenty percent and a minimum vegetation of two hundred feet. In the pictures he saw there was not any vegetation at the portal and it was all gravel.

Mr. Willard stated that they would first need a detailed geotechnical evaluation to determine the strength of the rock underlying the proposed entry to the mine and the extent. They would most likely blast and lay it back at an angle that would be steep and, if required, they would put in rock bolts and probably steel mesh. They would paint it a color to blend in. They would have to satisfy the mining health and safety organization that it is a stable structure.

Mr. Zimmer asked if that would take care of the concern for the Kope formation. Mr. Willard responded "yes".

Mr. Zimmer stated that in a letter received from the State Department of Transportation he did not see any reference to protection of the corridor. He asked the applicant to comment in this regard.

Mr. Dressman stated that they only recently got a copy of that letter. The Planning Commission, or at least the Staff, recommended that that not be the corridor for this connection at the present time. Those plans were discussed thirty years ago. He stated that if the Planning Commission wants to pursue the discussion, he will ask Jay Bayer to look at those plans and address the issue at the Committee level.

Mr. Zimmer asked how the process would work in regard to their assistance in assessing wells and structural aspects of the surrounding properties.

Dr. David Buss explained that they get permission to come onto the landowner's property. The well or cistern is fully inspected, the depth taken, and the pumping apparatus pumped to verify its present condition. A water quality sample is taken and sent to a lab and the results are sent to the homeowner. Mr. Zimmer questioned how the homes are identified -- do they go to the homeowner? Dr. Buss responded that typically that the homes are identified within a radius and letters are sent out scheduling the inspection. As long as the landowner signs the permission for the inspection it takes place as scheduled.

Staff Member Dave Geohegan stated that there is a passage in the I-4 zoning regulations that allows any property owner within a mile radius or the Planning Commission to require a pre-blast survey.

Dr. Buss stated that the procedure is to send a Registered Letter to each property owner to indicate that they have the ability to get the inspection. The inspection is noted, photographed and, in some cases, video taped. They look at every wall, ceiling, and floor and note every crack and separation. The property owner gets a copy. The photographs are kept in the file. The survey documents every defect.

Mr. Zimmer questioned their plans for sanitary facilities. Mr. Willard responded that they use port-o-johns at the facility and/or septic tank fields.

Mr. Zimmer asked if they will dam the creek. Mr. Willard responded "no".

Mr. Zimmer asked if consideration has been given or a study done regarding the impact of additional truckloads on the regional environmental quality. Mr. Willard asked if Mr. Zimmer was referring to air quality due to emissions from the vehicles. Mr. Zimmer responded "yes". Mr. Willard stated that they will find someone to answer that question for him.

Mr. Knock stated that a speaker raised the issue of fines and the payment of fines. He would like Staff to compel specific answers to those questions. The Chairman responded that we will try to accomplish that at the Committee level.

Mrs. Smith asked if part of the frontage is on I-275. Mr. Wall responded "yes". Mrs. Smith questioned how far past the church is the entrance to the property. Mr. Wall responded that it is a couple of hundred feet.

Mr. Zimmer questioned the Garrison House. Ms. Cabot responded that it is on the site. Mr. Zimmer asked if the applicant owned it when it was remodeled. Ms. Cabot responded "no".

Mr. Zimmer stated that there was a letter from the Hebron Fire District. It seemed that they were concerned about how they relate to the mining safety issue. They tried to contact the applicant to see how they would be involved in an incident, but the response was unclear. If the response team is in Gallatin County, what does that do for Boone County?

Mr. Willard stated that he exchanged several telephone calls with Jim Allen and tried to put him in touch with their Safety Manager in Indianapolis. He then got a copy of the regulations and the name of the man who could shed some light on how this works. He stated that they will get this clarified.

Mrs. Wilson questioned buying out the homes around the property.

Mr. Willard responded that they would consider this, but they do not buy every home. They can talk to the people interested in selling.

There being no further questions or comments from the Commissioners, the Chairman asked if the applicant wished to give a brief summary.

Mr. Dressman submitted a binder entitled "Martin Marietta Aggregates, Recognition from Neighbors & Letters of Thanks". He stated that one of the letters in the binder is from someone Mr. Murphy quoted as being very critical of the mining industry. Another is from the President of the Homeowners Association and, to clarify, the complaint was with respect to an open pit operation at the Carmel plant. That plant had two operations -- above ground and under ground. He stated that Pendleton County is also above ground -- it has above ground blasting and open pit -- and no zoning.

There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on June 3, 1999 at 5 PM in Courtroom 3A of the Boone County Administration Building. This item will be on the Agenda for the Business Meeting on June 16, 1999 at 7:30 P.M..

The Chairman closed this Public Hearing at 1:10 A.M..

APPROVED:

For Philip N. Danforth
Arnold Caddell, Chairman

Attest:

Jan Hancock
Jan Hancock, Recording Secretary

Exhibits:

- 1) Affidavits (2) submitted by the applicant.
- 2) Legal Memorandum in Support of Martin Marietta's Request for Variance.
- 3) Gerard T. Sossong, P.E., dated 5/26/99.
- 4) James A. Dressman III to Kevin L. Murphy, Esq., dated 5/26/99.
- 5) Master-Facts Corp. memorandum dated 5/26/99.
- 6) Tim Bartee to Kevin Wall, dated 5/26/99.
- 7) Clara E. Wieland, Secretary, Floracliff Nature Preserve, 5/26/99.
- 8) Dennis C. Helmer, 5/26/99.
- 9) Boone Creek Neighborhood Association, 5/24/99.
- 10) Carl R. Smith, P.E. 5/26/99.
- 11) Pictures (submitted by Ruth Tanner).
- 12) John D. Ammon, M.D., 5/25/99.
- 13) Terry and Mary Masters, 5/24/99.
- 14) Pictures.
- 15) Calleen Kalkhomer.
- 16) Clarence H. Goff Jr. & Doris Goff, 5/25/99.
- 17) Mary Beimesch.
- 18) David and Sheila Merrell.
- 19) Petitions - NO UNDERGROUND MINING IN NORTHWESTERN BOONE COUNTY (74 pages).
- 20) Dana Kisor/First Farm Inn (Jennifer Warner), 5/26/99.
- 21) Hilltop Basic Resources, Inc.
- 22) Mr. & Mrs. Charles R. Willis, 5/26/99.
- 23) Martin Marietta Aggregates - Recognition from Neighbors and Letters of Thanks (binder).

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
August 4, 1999
7:30 P.M.

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:35 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney
Mr. Phil Damstrom, Vice Chairman
Mr. Mark Hicks, Temporary Presiding Officer
Mr. Don McMillian
Mr. Bob Schwenke
Mr. Robert Newman
Mr. Robert Ries
Mrs. Carol Smith
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBER NOT PRESENT:

Mr. Richard Knock

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson
Mr. Timothy Butler (for Item #4)

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mark Jordan, Planner
Mr. Kevin Wall, AICP, CDT - Director, Zoning Services

Mr. McMillian moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mrs. Wilson seconded the motion. A vote on the motion found all voting members in favor. Chairman Caddell abstained due to his relationship with Heritage Bank. The motion carried.

ACTION ON PLAN REVIEWS:

The Chairman announced that there is a single Committee Report for the first three items and it is the Committee's recommendation for all three items. The Committee Report will be read once, but there will be a separate vote on each request.

Attorney James Dressman, representing the applicant, agreed to this procedure.

Staff Member Kevin Wall presented the Committee Report which recommended denial of the three requests based on the findings of fact (see Committee Report).

Chairman Caddell read the first request:

1. Zoning Map Amendment

The request of Martin Marietta Materials, Inc. (applicant) for Martin Marietta Materials, Inc. (option pending), Bedrock Investment LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners) to consider a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four "Subsurface Mining District" (I-4) for an approximate 575 acre site on the north side of I-275 at the Petersburg (KY 8) interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The request is for a zone change to allow the underground extraction, processing, and sale of processed materials and all related activities pertaining to subsurface mining operations.

Mr. Hicks moved by resolution to the Boone County Fiscal Court that the request be denied based on the Committee Report. Mrs. Smith seconded the motion.

The Chairman asked if there were any questions or comments.

Mr. Damstrom thanked the Committee Chairman, Larry Brown, and members of the Committee for their long hours and hard work in regard to this request. He also thanked the people in the audience and the applicant for their cooperation and for supplying information required by the Committee.

There being no further comments, the Chairman asked for a vote on the motion made by Mr. Hicks to deny the request. The motion carried unanimously.

The Chairman read Item #2:

2. Zoning Map Amendment

The request of Martin Marietta Materials, Inc. (applicant) for Martin Marietta Materials, Inc. (option pending), Bedrock Investment LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners) to consider a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four "Subsurface Mining District"/Planned Development (I-4/PD) for an approximate 575 acre site on the north side of I-275 at the Petersburg (KY 8) interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The request is for a zone change to allow the underground extraction, processing, and sale of processed materials and all related activities pertaining to subsurface mining operations, and an outdoor recreational trail facility.

Mr. Hicks moved by resolution to the Boone County Fiscal Court that the request be denied based on the Committee Report. Mrs. Smith seconded the motion and it carried unanimously.

The Chairman read Item #3:

3. Zoning Map Amendment and Variance

The request of Martin Marietta Materials, Inc. (applicant) for Martin Marietta Materials, Inc. (option pending), Bedrock Investment LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners) to consider a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four "Subsurface Mining District" (I-4) and a Variance from Section 1189 "Geographic Requirements", Subsection 2, for an approximate 575 acre site on the north side of I-275 at the Petersburg (KY 8) interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The request is for a zone change to allow the underground extraction, processing, and sale of processed materials and all related activities pertaining to subsurface mining operations, and a Variance from a 3,000 foot separation standard required between the proposed I-4 zone and certain types of residential areas.

Mr. Hicks moved by resolution to the Boone County Fiscal Court that the request be denied based on the Committee Report. Mrs. Smith seconded the motion and it carried unanimously.

Counselor Wilson advised that after the Public Hearing, legal memoranda was submitted to the Planning Commission by Mr. Murphy and response by Mr. Dressman. The Planning Commission is a public agency and accepted the legal memoranda, but it was not part of the record made available to the Commissioners.

Counselor Wilson stated that after the Minutes of this Public Hearing are approved at the next Business Meeting, the record will go to Fiscal Court and they will have ninety days to consider the recommendation.

At this time, Counselor Wilson left the room due to a conflict in regard to Agenda Item #4. Mr. Tim Butler provided legal counsel at this time.

4. Zoning Map Amendments

The request of the City of Florence to consider Zoning Map Amendments from Rural Suburban Estates (RSE) to Rural Suburban/Planned Development (RS/PD), Suburban Residential One (SR-1), Suburban Residential One/Planned Development (SR-1/PD) and Public Facilities (PF), in conjunction with the annexation of real property into the City of Florence, for real property on the north side of Longbranch Road approximately 1,900 feet west of the Longbranch Road/Fowler Creek Road intersection, Boone County, Kentucky and for real property on the west side of Longbranch Road at 2087 Longbranch Road and along the south side of Longbranch Road approximately 1,100 feet west of the Longbranch Road/Fowler Creek Road intersection, Boone County, Kentucky. The request involves approximately 367 acres owned by John Harkrader, Melisa Harkrader, PVR Development, Ltd., Jeffrey T. Zembrodt, Charles Rawling, Wilma Jo Myers, Four J's & Associates, LLC, Tom Schreiber, Mary Ellen Schreiber, Fred Kahmann, et al., Mary Robbins, and the City of Florence.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

Mr. Hicks moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mrs. Wilson seconded the motion.

Mr. Phil Damstrom, Committee Chairman, stated that he voted against the project. He does not agree with the applicant's position that the request is in agreement with the Comprehensive Plan. He stated that there are monumental traffic problems on Longbranch Road.

Mr. Ries stated that there are two issues -- one is the annexation and the other is the development. He is not opposed to the annexation, but agrees with Bill Viox's earlier comments that there needs to be a "line in the sand". He stated that this project does not meet the criteria for a zone change in this area. There was a

EXHIBIT

“B”

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Brown, Chairman
Zone Change Committee

DATE: August 4, 1999

- RE: 1. Request of **Martin Marietta Materials, Inc. (applicant)** for **Martin Marietta Materials, Inc. (option pending), Bedrock Investment, LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners)** to consider a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four "Subsurface Mining District" (I-4) for an approximate 575 acre site located on the north side of I-275 at the Petersburg (KY 8) interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The request is for a zone change to allow the underground extraction, processing, and sale of processed materials and all related activities pertaining to subsurface mining operations; and
2. Request of **Martin Marietta Materials, Inc. (applicant)** for **Martin Marietta Materials, Inc. (option pending), Bedrock Investment, LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners)** to consider a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four "Subsurface Mining District"/Planned Development (I-4/PD) for an approximate 575 acre site located on the north side of I-275 at the Petersburg (KY 8) interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The request is for a zone change to allow the underground extraction, processing, and sale of processed materials and all related activities pertaining to subsurface mining operations, and an outdoor recreational trail facility; and
3. Request of **Martin Marietta Materials, Inc. (applicant)** for **Martin Marietta Materials, Inc. (option pending), Bedrock Investment, LLC, Sawyer Place LLC, and Guttman Enterprise Limited Partnership (owners)** to consider a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Commercial Services (C-3) to Industrial Four "Subsurface Mining District" (I-4), and a Variance from Section 1189 "Geographic Requirements," Subsection 2, for an approximate 575 acre site located on the north side of I-275 at the Petersburg (KY 8) interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The request is for a zone change to allow the underground extraction, processing, and sale of processed materials and all related activities pertaining to subsurface mining operations, and a variance from a 3,000 foot separation standard required between the proposed I-4 zone and certain types of residential areas.

REMARKS:

We, the Committee, recommend denial of the three above referenced requests based on the following findings of fact:

Findings of Fact

The Zone Change Committee has spent a great deal of time and effort in evaluating the three applications in question. In addition to attending and reviewing the record of the May 26, 1999 Public Hearing for these applications, which lasted over six (6) hours and had over eight hundred (800) members of the public in attendance, the Committee has conducted four working Committee meetings. These working Committee meetings included in-depth discussions and evaluation of virtually every conceivable impact of the requests, and the relationship of these applications to the Boone County Zoning Regulations and the 1995 Boone County Comprehensive Plan, both of which were adopted as per the requirements of Chapter 100 of the Kentucky Revised Statutes. These working Committee meetings included discussions between the Zone Change Committee, the Planning Commission's staff, the Planning Commission's mining and traffic experts, the applicant's employees, the applicant's legal counsel, a representative of the owner of one of the major tracts in question, and experts representing the applicant in subject areas including traffic, hydrology, mine design, noise impacts, blasting and ground vibration, archaeology, and land use.

The Committee acknowledges that all three applications involve approximately five hundred and seventy five (575) acres. This is a very grandiose scale development with potentially massive impacts for many different types of development of comparable size, including large suburban style residential subdivisions, commercial/retail centers, office parks, and industrial parks. The three applications in question propose a substantial industrial land use in a predominately rural area that has substantial topographical restraints and open space qualities.

Even though the Committee has determined that the applications submitted for the specific site in question have not met the necessary criteria and standards to warrant approval, the Committee conducted a detailed evaluation of the various aspects of the proposed subsurface mining operation and its related impacts and compiled an outline of commitments and potential conditions of approval before a vote by the Committee was taken on any of the three applications; these commitments and potential conditions are attached to this report as Exhibit A. As noted herein, the Committee finally determined that the applications should be denied, regardless of the possible conditions agreed by the applicant. In short, based on the findings outlined below, the Committee concluded that appropriate conditions did not exist and could not be formulated to warrant approval of the applications in question.

The Committee recognizes that several mining operations currently exist in the community and that subsurface mining operations may locate in Boone County in the future. An approximate half dozen mines currently exist in Boone County. The applicant has attempted to demonstrate that, based on criteria in the I-4 zoning district, a subsurface mine cannot be located anywhere in Boone County except for the site under review. The Committee, however, has determined according to materials prepared by the Planning Commission in 1996 and 1997 that there are other locations in Boone County where an I-4 zone could be established in keeping with the location criteria. The Committee also recognizes that Zoning Map Amendments to the Industrial Four "Subsurface Mining" (I-4) District may be coupled with either a dimensional variance and/or the Planned Development (PD) District to allow relaxations and flexibility in the requirements in Section 1189 "Geographic Requirements," Subsections 1 and 2 - such applications may be submitted and reviewed on their own merits for other sites in Boone County by either the current applicant and/or others. However, the Committee has determined that based on the land use issues, and the criteria, policies, and standards that are the appropriate means for evaluating the applications at hand, all three applications should be denied for the site in question. Specifically, the Committee has determined the following:

1. The map amendment(s) is (are) not in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question. The Future Land Use Map specifies Rural Lands, Rural Density Residential, and predominately Developmentally Sensitive Areas land uses for the site for the 25 year planning horizon. None of these land use designations include industrial or mining uses, and the Rural Lands and Rural Density Residential designations include low and moderately low density residential uses, which are not appropriately intermingled with mining uses. Most of the area proposed for the surface operations area, which includes crushing, screening, stockpiling, and loading operations, is within an area designated for Rural Lands. The Comprehensive Plan specifically describes mining as an Industrial land use.

The proposed mine portal and the conveyor system are within areas designated as Developmentally Sensitive. The Comprehensive Plan recommends that new development include an evaluation of physical factors and be designed in harmony with the physical environment. The applicant has accomplished neither. From a development design perspective, the applicant has attempted to show that the proposed mine would leave a larger percentage of undisturbed open space than a typical cluster residential project. However, the applicant has not addressed the fact that the mine affects Developmentally Sensitive and natural areas in ways that a cluster project would not (portal, etc.). The Committee is aware of several recent residential developments where Developmentally Sensitive areas have been preserved intact for public access without any disturbance comparable to that required for a mine portal or overland conveyor equipment.

The text of the Land Use Element expressly states that "the Garrison Creek valley should remain intact as a greenbelt adjacent to Rural Density Residential growth, and should be considered for future outdoor recreational opportunities." Although the applicant has offered concessions toward the provision of open space and outdoor recreational opportunities, the plain language of the Plan does not contemplate any type of mining or industrial uses on this site. The Land Use Element also describes the Idlewild interchange area as supporting gradual highway related commercial development with some future orientation toward tourism uses in Western Boone County. The text states that this commercial development should occur on the southern half of the interchange because of the lack of visibility, established residential uses and church uses on the northern half - the Committee cannot reasonably conclude that industrial and mining uses are appropriate for this area in light of the fact that the Land Use Element basically states that commercial development is incompatible with the established residential uses and the church use. There is a small area designated for Industrial uses on the Future Land Use Map near the Idlewild interchange, however, this area is in the southeast quadrant of the interchange near Deck Lane and the site in question is located to the north and northwest of the interchange. In general Section B-1 and B-2 of the Land Use Element refer to the area north of I-275, near the proposed mine site, as future residential development when infrastructure is present. Traditions golf course located to the east of the subject site is mentioned as a residential growth catalyst; residential growth continues to move westward from the North Bend Road area to the Traditions vicinity.

Figure 5.3, the "Future Industrial and Commercial Development" map on page 87 of the Business Activity Element, does not designate the site for industrial development. The "Areas of Future Industrial and Office Activity" section of the Business Activity Element states "upon the disuse of existing sand and gravel (p)its" (i.e., surface mines), "reclamation should occur. Other types of mining activities may occur in the future of Boone County, but only with an evaluation of its benefits and costs to the community, including its impact on existing and residential/agricultural uses." This section of the Business Activity Element does not state that industrial or mining uses should or can occur on the site or general area in question, however, it does demonstrate that methods of mining other than surface mining can occur in Boone County under certain circumstances. This statement does not guarantee that all mining uses are appropriate under all circumstances once the evaluation of benefits and impacts has been conducted. Even though the applicant was requested to address issues relating to biology, geology, soil, and air quality, no conclusive information was provided.

Regarding the base industry of agriculture, the applicant has indicated that agricultural activity on the site is not precluded by the mining operation. However, the Committee has determined that the surface operations associated with the mine occupy most of the arable land and make the remaining areas too small to be of any significance for agricultural purposes. The Comprehensive Plan recommends that base and non-base industries should complement each other - not compete with each other. If constructed, the mine would program a character for the interchange area and would affect the desirability of the area for many non-base industries, including commercial and residential development. In addition, Boone County currently supports many base industries - including existing mining. Without the proposed mine, Boone County is still a vital part of a strong regional, metropolitan economy as recommended in the Comprehensive Plan.

The site is within an area described by the Housing Element as the "North River Area." The Housing Element states that "this area will experience a great expansion in residential development in the near future. Two approved developments, Thornwilde and Tree Tops, will add a total of 950 housing units within the next ten years. Factors that will probably fuel even more growth, include the recent extension of sanitary sewer lines and pumps to the area, minimal impact from airport noise, and good regional accessibility with nearby I-275." The Housing Element does not state that industrial and/or mining uses may occur on the north side of Idlewild interchange.

"Overall" Objective #3 in the Comprehensive Plan states that "future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall (emphasis added) be maintained or improved as needed." The applicant has not proposed any public water or sanitary sewer improvements. Although the proposed mining operation will reportedly use 900,000 plus gallons of water per day, the applicant has stated that based on preliminary study, there would be absolutely no hydrological impacts from the mining operation onto the surrounding area. The applicant committed to provide a detailed hydrological study when an application for a Special Use Permit was submitted. When considering that no public water system has been proposed and that no conclusive hydrological study has been performed to determine water related impacts, the Committee can not conclude that the three applications are in agreement with this critical objective.

Also related to this objective is the fact that the proposal would generate over 1,400 truck trips per day that would run through the interchange area. Although the applicant has proposed or agreed to provide sufficient improvements to accommodate these trucks from a traffic management standpoint, this truck traffic will substantially alter the existing and planned character to an industrial character

for the entire interchange area. The interchange serves not only the properties immediately adjoining it, but it also serves as a gateway to the entire northwestern portions of the county, which are largely planned for low density residential and agricultural uses, and Developmentally Sensitive Areas. As stated previously, Industrial uses are planned only for a small area in the southeast quadrant. Use of the Ohio River for the transportation of materials could help reduce the degradation of the interchange area's character by the proposed truck traffic - all transport of materials has been proposed to be accomplished by truck. Discussion of additional river port activities and their relationship to the Comprehensive Plan is discussed in the Staff Report for this request. The Transportation Goals and Objectives recommend protection of roadway capacity; this proposed use will devote much of the area's roadway capacity to one land use and one development for a site that was not planned for intensive industrial development, thereby limiting its ability to serve future development that is planned.

The arguments made by the applicant and the applicant's expert concerning agreement with the Comprehensive Plan deal largely with general statements about base industries, mining, open space, etc., that apply to the County at large. These arguments do not deal with the core issue of whether mining or industrial uses were planned for the site or area in question. Further, several parties in the area have already relied upon the fact that the 1995 Boone County Comprehensive Plan does not call for industrial and/or mining uses for the site or area; these parties have made substantial investments based on this fact. These include the owners of Traditions golf course, who have purchased additional land in the golf course area for additional residential development, and the owners of a bed and breakfast along Stevens Road. In addition, references in the Plan that recommend a "reasonable economic return" do not mean that a property owner or developer is entitled to a preferred or most profitable land use. Again, this is a general statement about land use in Boone County, and must be weighed against the impacts of each development. In fact, low density residential development is often seen as a reasonable economic return in areas such as Garrison Creek.

2. It has not been demonstrated that the existing zoning classifications are inappropriate or that the proposed zoning classification is appropriate. In addition, the Committee has not identified any factor which could elude to any reasonable fact supporting such a finding. In fact, similarly situated land with characteristics similar to the site in question are commonly zoned A-1 and A-2. The mere fact that there may be economically viable subsurface resources on the site, or that a new zoning district that permits extraction of such resources has been adopted, in and of themselves do not satisfy this criteria. The applicant basically argued that the proposed Concept Development Plan would have less surface disturbance than is possible under the current A-1 and A-2 zones; this is correct, but it does not demonstrate that the existing zoning classifications are inappropriate, and it does

not speak to the impacts associated with the proposed mining use, such as truck traffic, noise, etc. Further, the existing zoning of the adjacent parcels, including the Recreation zone for the nearby Bullittsburg church camp, is consistent and compatible with the existing zoning of the subject site.

3. There have been no major changes, or even seemingly minor changes, of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character. Very few changes, of rather incidental significance, have occurred in the area since the adoption of the Comprehensive Plan. The mere fact that a new zoning district that permits extraction of subsurface mineral resources has been adopted does not constitute a change in the area's character.
4. The requested variance does not meet the standards for the granting of variances as outlined in Section 251 "Application and Standards for Variances" of the Zoning Regulations. In particular, the applicant has demonstrated in the Concept Development Plan for the I-4 zone request without a variance or the Planned Development overlay zone that the 3,000 foot separation requirement between the mining use and certain residential uses outlined in Section 1189.2 can be reasonably met, therefore, the granting of a variance would be an unreasonable circumvention of the zoning regulations. Based on the physical extent of the requested variance, the Committee has concluded that the variance would alter the essential character of the area. In addition, the applicant has not demonstrated that the residential uses in the area would be protected from perceptible blasting vibration impacts with the proposed reduced separation between the mine and certain residential uses. In fact, the report from the applicant's blasting consultant demonstrates that perceptible vibrations could occur at over 2,700 feet from their source, thus the variance would create a nuisance to the public. The applicant's expert report fails to conclusively demonstrate that perceptible vibration would not occur from over 2,700 feet from their sources. Even though the Committee has concluded that the requested variance does not fulfill the standards in Section 251, a recommendation on the variance is a moot issue when considering that all three zoning map amendment applications have failed to fulfill the necessary statutory criteria.
5. The application for the I-4/PD zone does not effectively meet the requirements of Article 15 "Planned Development District" of the Zoning Regulations. The intent of the I-4/PD application was largely to reduce the 3,000 separation requirement between the mine and residential uses; this request is unreasonable based on the same reasons already stated for the variance above. Conformance with the Comprehensive Plan is also a standard in Section 1514 "Planned Development

Standards" which Planned Development requests must fulfill. As discussed previously, none of the three applications conform to the Comprehensive Plan. Also, the Committee has determined that due to the incompatibility of the proposed mining use and its appurtenant operations when compared to the existing and planned uses in the area, as well as the degradation of the area's character due to truck traffic, all as discussed above, the proposal fails to fulfill Section 1514, Subsection 2 "Compatibility of Uses."

The Committee has concluded that the I-4/PD application does not fulfill the criteria in Section 1520 "Approval in Principle by Planning Commission" in the Zoning Regulations. This section states that the Planning Commission shall determine whether the proposed development advances the general welfare of the community and neighborhood; the Committee has concluded that it does not for the reasons already stated herein. This section also states that the Planning Commission shall determine whether the benefits, combination of various land uses, innovation of physical design, and the inter-relationship with the land uses in the surrounding area justify any deviation from standard district regulations, such as the 3,000 foot separation requirement in Section 1189.2. The Committee has concluded that from a land use perspective, there are no positive benefits associated with the requested deviation from Section 1189.2 and the combination of various land uses proposed, rather, the requested reduction in the 3,000 foot separation requirement is contrary to these provisions as it substantially reduces the necessary buffer area between the mine and certain types of residential uses. As already noted, the proposal involves a high impact industrial use in an area planned for Rural Lands and Rural Density Residential uses. It is the conclusion of the Committee that the proposed mining use is fundamentally incompatible with the existing and planned uses at the location in question. Even though the Committee has concluded that the Planned Development (PD) overlay zone request does not fulfill the policies and standards of Article 15 "Planned Development District," a recommendation on this particular proposal is a moot issue when considering that all three zoning map amendment applications have failed to fulfill the necessary statutory criteria.

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.

<u>resigned 8-3-99</u>	
Larry Brown, Chairman	
For _____	Against _____
Abstain _____	Absent _____

<u>Phil Damstrom</u>	
Phil Damstrom	
For <input checked="" type="checkbox"/>	Against _____
Abstain _____	Absent _____

Mark Hicks
Mark Hicks
For Against
Abstain Absent

Robert Newman
Robert Newman
For Against
Abstain Absent

Donald McMillian
Donald McMillian
For Against
Abstain Absent

TOTAL: 3 FOR — AGAINST — ABSTAIN — ABSENT

Resolution
Of
The Boone County Fiscal Court

Resolution No. 99-234

A RESOLUTION OF THE BOONE COUNTY FISCAL COURT RECOMMENDING DENIAL FOR A REQUEST OF MARTIN MARIETTA MATERIALS, INC. (APPLICANT) FOR MARTIN MARIETTA MATERIALS, INC. (OPTION PENDING), BEDROCK INVESTMENT, LLC, SAWYER PLACE LLC, AND GUTTMAN ENTERPRISE LIMITED PARTNERSHIP (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1), AGRICULTURAL ESTATE (A-2) AND COMMERCIAL SERVICES (C-3) TO INDUSTRIAL FOUR "SUBSURFACE MINING DISTRICT" (I-4) ON AN APPROXIMATE 575 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF I-275 AT THE PETERSBURG (KY 8) INTERCHANGE, AND ALONG BOTH SIDES OF GARRISON CREEK ROAD, BOONE COUNTY, KENTUCKY, RECOMMENDED UNANIMOUSLY FOR DENIAL BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-99-020-D.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agriculture (A-1), Agricultural Estate (A-2) And Commercial Services (C-3) to Industrial Four "Subsurface Mining District" (I-4) on an approximate 575 acre site generally located on the north side of I-275 at the Petersburg (KY 8) Interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky, which is more particularly described below; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for denial, this Zoning Map Amendment being a zone change from Agriculture (A-1), Agricultural Estate (A-2) And Commercial Services (C-3) to Industrial Four "Subsurface Mining District" (I-4) on an approximate 575 acre site generally located on the north side of I-275 at the Petersburg (KY 8) Interchange, and along both sides of Garrison Creek Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agriculture (A-1), Agricultural Estate (A-2) and Commercial Services (C-3) zone is more particularly described in DEED BOOKS 672, 667, 515, and 517, PAGE NOS. 180, 137, 258, 264 and 153, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Resolution
Of
The Boone County Fiscal Court

Resolution No. 99-234

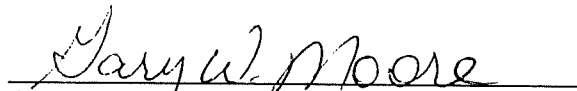
SECTION II

That as a basis for the recommendation of denial for a Zoning Map Amendment request are the findings of fact of the Boone County Planning commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked "Exhibit A".

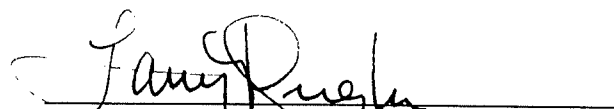
The Committee recommended denial for this request based on the findings of fact as set forth in the Committee Report and the Boone County Planning Commission business meeting minutes and marked as "Exhibit B".

SECTION III

Resolution of denial passed and approved on this 19 day of Oct., 1999.

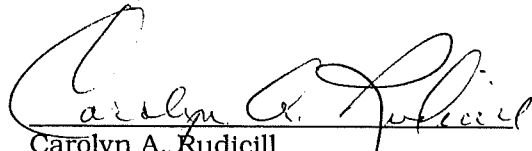


Gary W. Moore
County Judge-Executive



Larry Crigler
County Attorney

ATTEST:



Carolyn A. Rudicill
Fiscal Court Clerk