

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

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

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

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

ZONING MAP AMENDMENT, Michael Schwartz, Staff

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director