

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARING  
April 5, 2017  
7:30 P.M.**

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**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Greg Breetz  
Mrs. Lori Heilman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Don McMillian  
Mr. Kim Patton  
Ms. Lisa Reeves  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Matt Apke  
Mr. Kim Bungler, Secretary/Treasurer  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Robert Jonas, AICP, Director, Planning Services

Chairman Rolfsen called the Public Hearing to order at 7:34 P.M. and introduced the first item on the Agenda:

**ZONING TEXT AMENDMENT - Kevin Wall, Staff**

1. Request of the **Boone County Fiscal Court** to consider a series of Zoning Text Amendments to Articles 11 and 40 of the **Boone County Zoning Regulations** to define and permit “garbage transfer stations” or “solid waste transfer stations” as a Conditional Use in the Industrial Two (I-2) zone. The request is to evaluate and hear comments on proposed Zoning Text Amendments and how they affect the current **Boone County Comprehensive Plan** and **Boone County Zoning Regulations**.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The Boone County Fiscal Court submitted a Zoning Text Amendment request. Best Way Disposal approached the Fiscal Court about allowing solid waste transfer stations. The request is to examine it as a potential Conditional Use in an I-2 Zone. Materials from Fiscal Court and Best Way are included in the Staff Report. Mr. Wall explained that there are a handful of I-2 Zoning Districts in Boone County now. They are located mostly in the eastern part of the County along the Dixie Highway corridor. The others are scattered throughout the County - East Bend Power Plant and to the north. A solid waste transfer station is where garbage trucks come and dump garbage, which then gets scooped up to a bigger truck to be taken elsewhere. The Staff did visit one facility in Lawrenceburg, Indiana owned by Best Way. Mr. Wall showed photographs of this site. He also showed a map of sites currently zoned Industrial Two (I-2). Most of them are located in unincorporated Boone County. There are some sites located in Florence and Walton. Overall, there are 3,162 total acres of I-2 Zoning in Boone County. Of that figure, 2,999.38 acres are located in unincorporated Boone County.

In regard to the proposed Zoning Text, there are a handful number of definitions. Most of the definitions are from the County’s Code of Ordinances. The definition of a solid waste transfer station is completely new. The proposed use is being recommended as Conditional Use #14 in the I-2 Zoning District. The staff is also proposing all new standards that are unique to the proposed use. This would be in addition to the normal conditional use permit criteria. Mr. Wall reviewed the standards identified in the Staff Report. In addition, there are several references to the Comprehensive Plan and the purpose section of the I-2 Zoning District in the Staff Report. Mr. Wall also referred to a section regarding importing waste from the County’s solid waste ordinance. Best Way also submitted a letter that was included in the Staff Report.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Ms. Katie Evans, 5895 Ethan Drive, Burlington, Kentucky, stated that she is the Government Affairs Manager for Best Way Disposal. Best Way is a full service, family owned, waste management company. They operate in Michigan, Kentucky, Indiana and Ohio. In 2011, they opened their regional division office in Burlington, Kentucky. They provide industrial, commercial and residential waste removal services for 6 counties in Northern Kentucky - Boone, Kenton, Campbell, Grant, Gallatin and Pendleton. Ms. Evans stated that her company is supportive of the draft language but they have two concerns. These concerns are outlined in the material distributed to the Board (see Exhibit A). The first one deals with hours of operation for the public (14b). The other one is 14d, which deals with the storage of solid waste overnight. They would like to propose storage waste in the building if necessary. These suggested changes would allow some allowances during seasonal times. It is also normal to have some waste stored in the

building overnight because of the imbalance of loads going inbound and outbound. The submitted packet also provides some background information about Best Way and the benefits of transfer stations. Her company operates 9 transfer stations in Indiana.

At this time, Chairman Rolfsen asked about the operation of the business now in Burlington? Ms. Evans replied that the trucks start in Burlington and pick up waste and take it to a transfer station in Lawrenceburg or take it to the landfill in Boone County. As business increases, there is a demand for a transfer station in Boone County for more effective operations and to allow the public to drop off solid waste at a more convenient location. Chairman Rolfsen asked if there was any leftover trash in the trucks? Ms. Evans responded that it depends on what is left over each day due to schedules. Chairman Rolfsen asked what is an odor control mitigation plan? Mr. Bill Wise stated that the goal is to keep the trucks moving in and out to pick up and get rid of the trash. The removal of the trash controls a lot of the odor and closing the doors.

Mr. Patton inquired about the timing of the truck activity. Would there be trucks before 7:00 a.m. and after 5:00 p.m.? Mr. Wise replied they could start before 7:00 a.m. depending on the volume left the night before and the need to remove trash from the building before they accept new trash that day. Mr. Patton asked if they could put a cap on both ends of the time frame? Mr. Wise responded they could do it. The 7:00 a.m. - 5:00 p.m. time frames makes it tight. Mr. Patton inquired about accepting hazardous waste like batteries. Ms. Evans stated that Boone County has an annual event at the Florence Freedom Stadium. Paint, batteries and TVs are accepted at that event. Best Way is not allowed to handle hazardous waste. They only handle trash and do recycling. There are other vendors that handle hazardous waste/materials.

Mr. Hicks inquired about liquids from the trash and how is it handled? Mr. Wise responded there are drains on the floor of the building. The grade of the floor will not allow liquids to leave the building. It is contained in the building. The liquid can be discharged into the sanitary sewer. It is tested. If they run into something, they have the capability of storing it in a holding tank and to have it pumped and taken off site.

In response to Mr. Hick's question, Mr. Wall noted that SD1 may require pre-treatment before any liquid is discharged into their pipes.

Chairman Rolfsen asked Staff if it was reasonable to extend operational hours? Mr. Wall replied that they could be extended and limit the additional time to internal operations. The hours of operation could be examined more closely at the Conditional Use Permit stage when a specific proposal is submitted. There is a concern with storing garbage overnight.

Mr. Schwenke asked if Best Way would construct more than one solid waste transfer station? Mr. Wise replied that he thought one was enough. One will serve their needs for a long time at their Burlington location.

Mr. Turner inquired about restrictions involving hazardous waste? Mr. Wise replied that the federal government regulates hazardous waste.

Mrs. Heilman asked about other communities that regulate these types of businesses like in Kenton County and Campbell County? Mr. Wall responded that local regulations are real spotty. They just seem to have a definition. There are no standards locally. Campbell County and Wilder address the use. Mr. Costello stated that the Staff will verify how other communities address the impacts of the proposed use.

Mr. Breetz asked if most of the current I-2 Zoning Districts are located close to the interstate? Mr. Wall replied yes. They are located on major arterial roads. In response to a question posed by Mr. Breetz, Mr. Wall referred to photographs of the type of trucks that use the Lawrenceburg, Indiana facility. Mr. Breetz expressed a concern about truck noises within 500 feet of a residence? Mr. Wise replied no. Mr. Wall stated there is not a residence within 500 feet of an existing Best Way site in Burlington. Chairman Rolfsen asked about the proposed hours of operation? Can it work?

Mr. Wise explained that at 4:45 p.m., they could have 5-7 trucks in line and they can't close at 5:00 p.m. with trucks in line. If they had extended hours, then the building would be empty at the end of the day.

Mr. Shipe asked if 8:00 or 9:00 p.m. was reasonable? Mr. Wise replied yes. If preferred 6:00 a.m. to 8:00 p.m. and open to the public from 7:00 a.m. to 5:00 p.m. Transfer activities would occur from 6:00 a.m. to 8:00 p.m.

Mr. Dave Kozlowski, 6222 Kingsgate Drive, Burlington, Kentucky stated that public access to the facility is different than their operation. The hours of operation need to be defined. What about sound insulation in the building? Mr. Costello stated that the Planning Commission could set the parameters for the hours of operation but the Board of Adjustment could put further limitations on hours when there is a specific Conditional Use Permit Application and site.

Mr. Wise stated they can't leave anything on the truck. There are hours for final disposal. If they are closed, the trash is left on the truck or in the building.

Mr. Turner suggested some generic hours for the text and then the Board of Adjustment can be more specific when they evaluate an application. Mr. Wall stated that the real issue is the storage of waste overnight. If additional hours prevent overnight storage of solid waste, then it might work. He stressed the importance of including hours of operation in the new text.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be held on April 19, 2017 at 5:30 P.M. in this room or the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on May 3, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:16 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**

Exhibit A - Packet of Material from Best Way Disposal