



Hardin County
Planning & Development Commission
19 November 2024

Hardin County Government Center
2nd Floor Meeting Room

MAP AMENDMENT & AMENDED CONDITIONAL USE PERMIT

Owner: Steven Caswell

Applicant: Heidelberg Materials

19 November 2024

CUP continued to 19 November 2024

Zone Map Amendment Request:

FROM: R-2 (Rural Residential)

TO: I-2 (Heavy Industrial)

CONDITIONAL USE: Crushed Stone, Sand, & Gravel Operation



Summary: The applicant is requesting a Zone Change from the Rural Residential Zone (R-2) to the Heavy Industrial Zone (I-2) to allow for an 18.1 acre portion of property to be included in the lease for the quarry, and an Amended Conditional Use Permit to allow for an expansion of the mining area. The property is an 18.1 acre portion of a 210 acre site located at 428 North Pleasant Hill Road, Upton, KY.

Reasons for Granting a Map Amendment

KRS 100.213


Before any map amendment may be granted, the planning commission shall consider the evidence and testimony presented by the proponents and opponents of the proposed amendment and make findings of facts that one or more of the following apply:

1. The proposal is in agreement with the language of the Comprehensive Development Guide;
2. There have been major changes of an economic, physical, or social nature in the area involved that were not anticipated by the Comprehensive Development Guide and that have substantially altered the basic character of the area; or that,
3. The existing Zone assigned to the property is inappropriate and the proposed amendment is appropriate.

MAP AMENDMENT & CONDITIONAL USE PERMIT SUMMARY REPORT

- A. Meeting Notification
- B. Vicinity Map
- C. Future Land Use Map
- D. Planning Area Maps & Analysis
- E. Zoning Map
- F. Environmental Features
- G. Previous Site Approvals (Timeline)
- H. Character of the Site Analysis
- I. Historic Aerial Photographs
- J. 2015 Zone Change, CUP & Development Plan (Lively Expansion)
- K. 2023 Scotty's CUP & Development Plan
- L. Photos of the Site
- M. US 31W – Quarry Road – Railroad Plans
- N. Staff Report and COMPREHENSIVE PLAN ANALYSIS
- O. Zone Change/Conditional Use Permit Election Form
- P. Analysis of other Conditional Use Permits for Crushed Stone / Sand/ Gravel Operations
- Q. 1991 Conditional Use Permit
- R. 2015 Conditional Use Permit
- S. *Applicants written request for Zoning Map Amendment and Conditional Use Permit
- T. *Comprehensive Development Guide, 2024
- U. *Development Guidance System Zoning Ordinance
- V. Groundwater Table Elevation and Safe Quarry Excavation Limit Assessment – Jack W. Griffin, P.E.
- W. Core Hole and Water Well Location Map
- X. Core Hole and Water Well Chart

*Not provided in PowerPoint



LEGAL NOTICE

NOTICE OF PUBLIC HEARING
 Notice is hereby given that the Hardin County Planning and Development Commission will hold a Public Hearing at 5:00 p.m. on Tuesday, October 15, 2024 in the Hardin County Government Building, 150 N. Provident Way, 2nd Floor Meeting Room, Elizabethtown, KY 42701. Consideration will be given on a request to change the zoning map from the (R-2) RURAL RESIDENTIAL ZONE to the (I-2) HEAVY INDUSTRIAL ZONE and a Conditional Use Permit to allow for the expansion of the existing rock quarry for A +/- 18.1 ACRE SITE LOCATED BETWEEN QUARRY ROAD AND N PLEASANT HILL ROAD in UPTON, KY.

Newspaper Ad on Saturday October 5, 2024



Signs posted on site since Sept 27, 2024



Hardin County
Planning and Development Commission
 150 N. Provident Way, Suite 225
 Elizabethtown, KY 42701
 Phone: 270-769-5479 Fax: 270-769-5591

COPY

September 27, 2024

NOTICE OF PUBLIC HEARING

To Surrounding Property Owners:

The purpose of this letter is to notify you of the scheduled hearing before the Hardin County Planning and Development Commission for the property located at 607 QUARRY ROAD, UPTON, KY. The owner, STEVEN CASWELL and applicants, HEIDELBERG MATERIALS are requesting a Zoning Change and a Conditional Use Permit (Rock Quarry) for A +/- 18.1 ACRE SITE LOCATED BETWEEN QUARRY ROAD AND N PLEASANT HILL ROAD in UPTON, KY. – See Enclosed Map

The hearing will be held as follows:

DATE: 15 OCTOBER 2024

TIME: 5:00 PM

PLACE: Hardin County Government Building
 150 N. Provident Way, 2nd Floor Meeting Room
 Elizabethtown, KY 42701

EXISTING ZONE: R-2 - RURAL RESIDENTIAL ZONE

PROPOSED ZONE: I-2 - HEAVY INDUSTRIAL ZONE

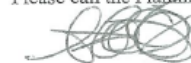
REQUEST: TO ALLOW FOR AN 18.1 ACRE EXPANSION OF AN EXISTING QUARRY OPERATION

The Public Hearing will be held to decide whether:

- 1) The proposed project is in agreement with the comprehensive plan,
- 2) There have been major economic, physical or social changes in the area since the adoption of the comprehensive plan and / or
- 3) The existing zone is inappropriate.

Section 4-2 (B) of the Hardin County Development Guidance System Zoning Ordinance contains information about the public hearing process. This includes the rules that will be used during the hearing and the action that can be taken.

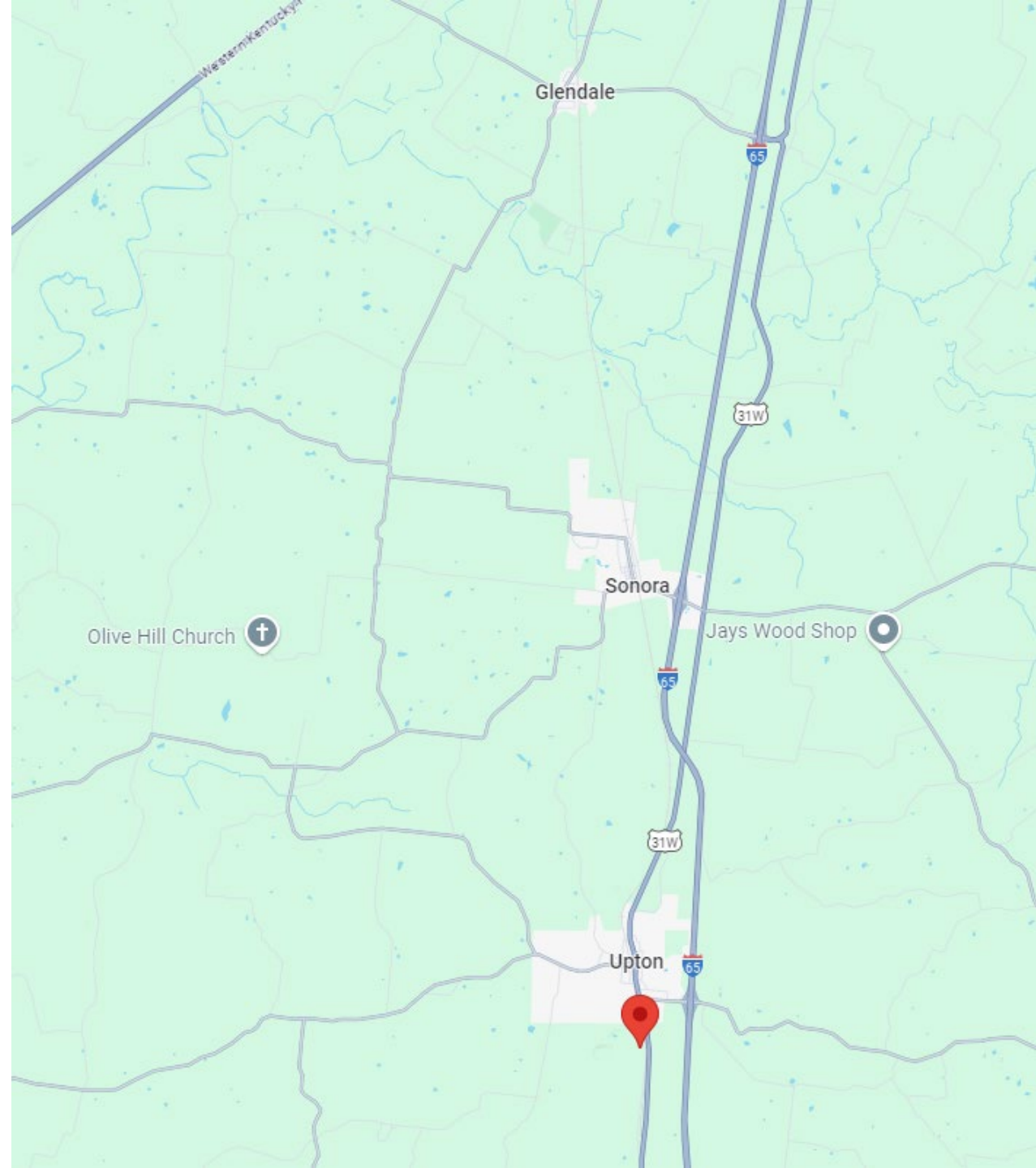
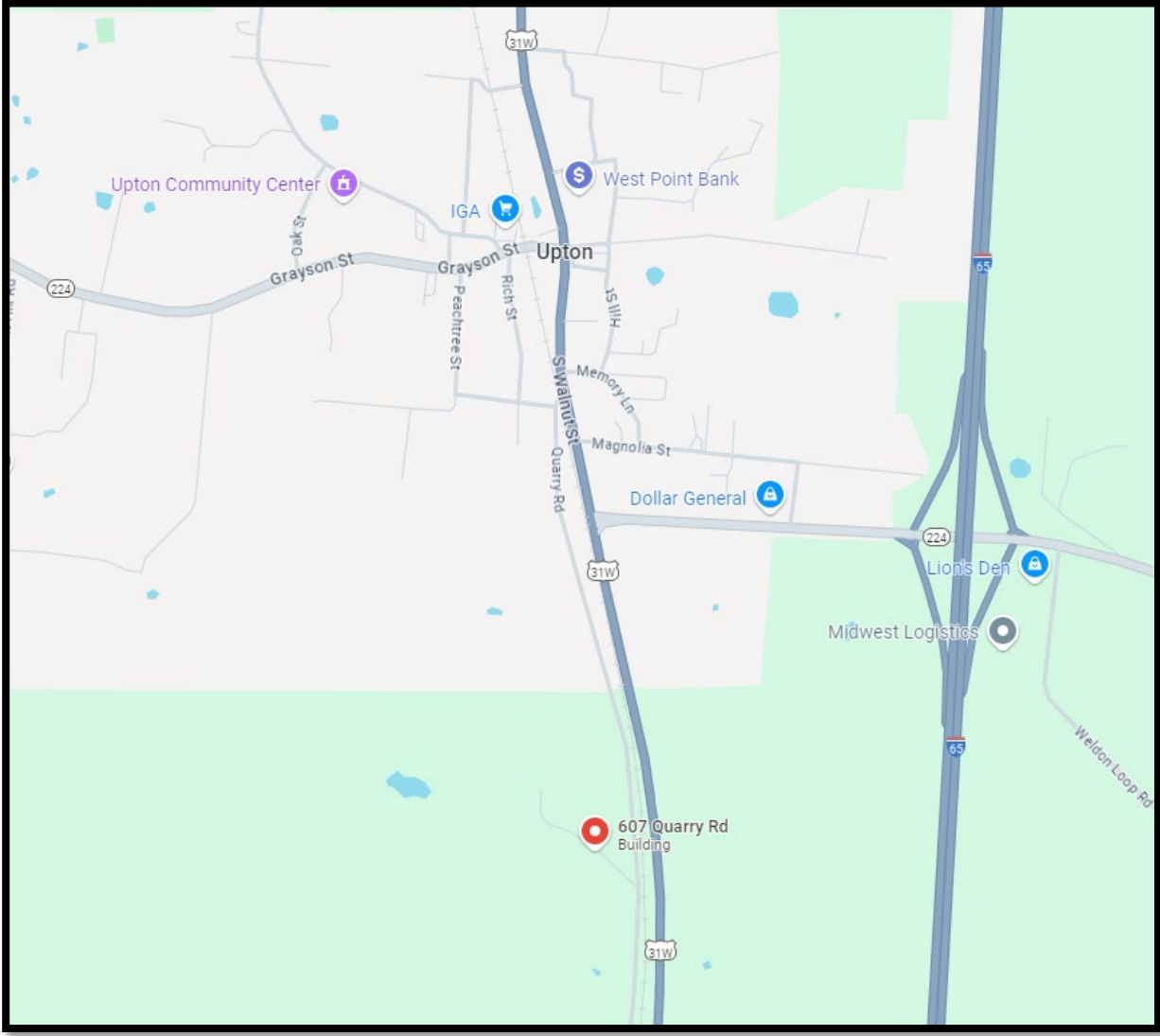
Please call the Planning Commission office at 270-769-5479 if you have any questions.



Adam C. King, AICP
Director

c: 6 E G THOMPSON, Magistrate

First class mailings sent to 26 owners that adjoin or are within 1200' of road frontage



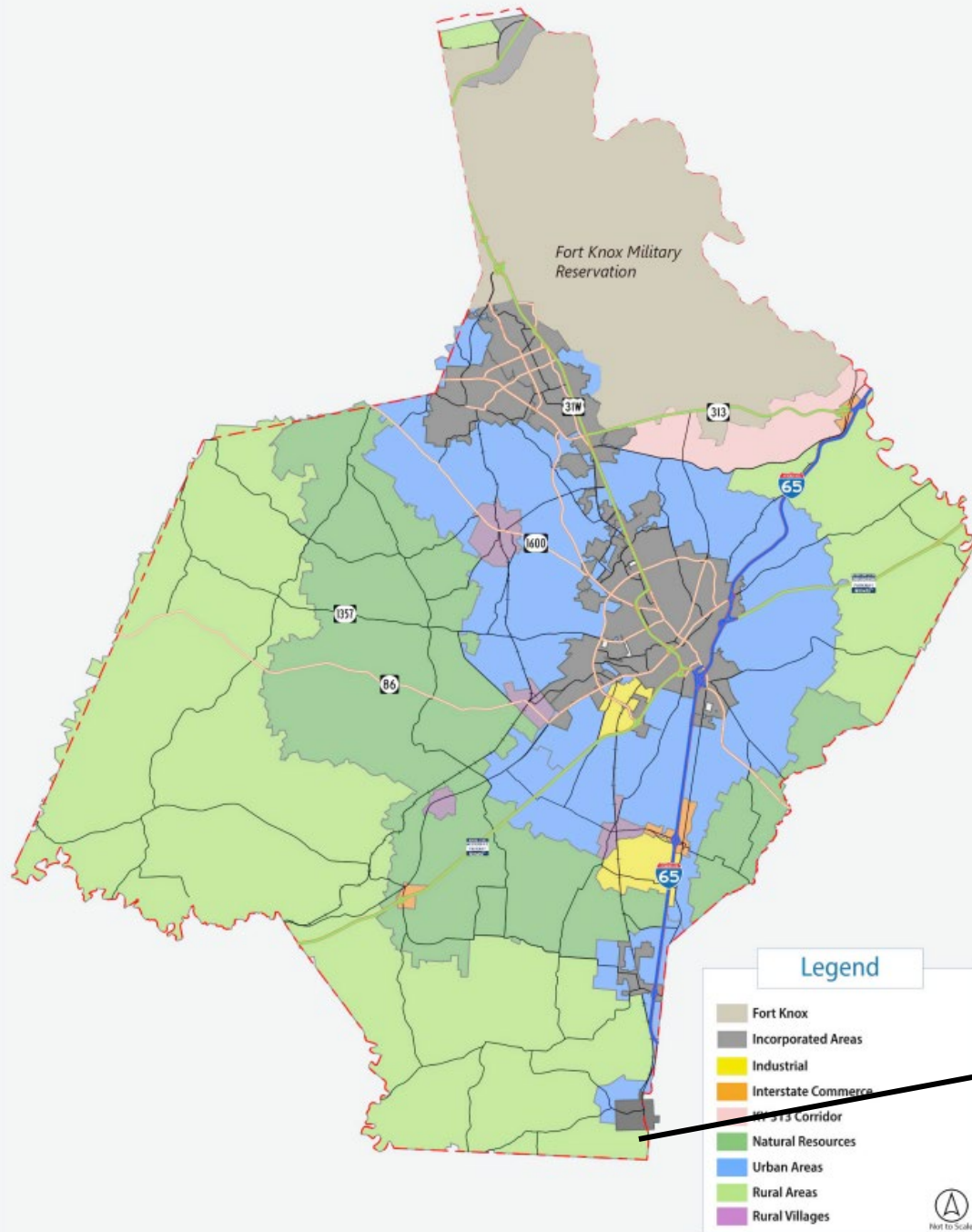


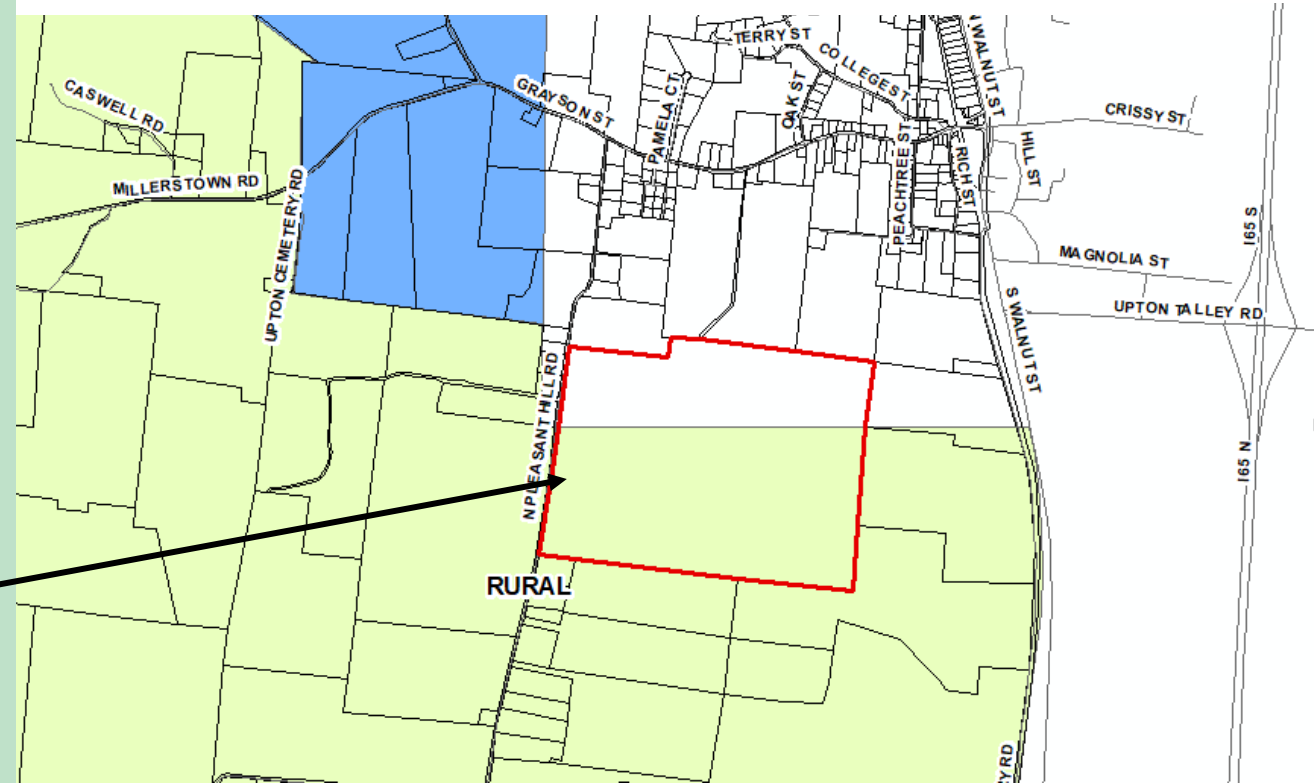
Figure 2-1: Future Land Use Map

Rural Areas

Introduction: Rural areas are located at the outer limits of the county, generally at points farthest away from more intense development. These areas generally lack the necessary level of infrastructure, such as utilities, roads, and public water in some locations, to support more intense development. The road network consists of rural county roads that, in some cases, lack sufficient pavement width that is needed for development.

Recommended Land Uses

- Agricultural land and agricultural operations should be protected, preserved, and encouraged through techniques such as residential clustering, conservation easements, and right to farm regulations.
- Residential development should be limited to low-density residential, such as farmsteads, rural residential and estate-type development; residential densities may be increased in areas that are adequately served by sewers.
- Commercial development, particularly neighborhood and convenience commercial, within these areas should be limited to state highways, at major crossroads, and should serve the immediate area rather than the region.
- Industrial uses are acceptable, provided they are accessory to existing agricultural operations or are expansions of existing uses.
- Community facilities, such as schools and churches, that serve as a gathering place and/or identity are encouraged in appropriate locations.
- All development activities should preserve and reinforce the existing rural character of this area.



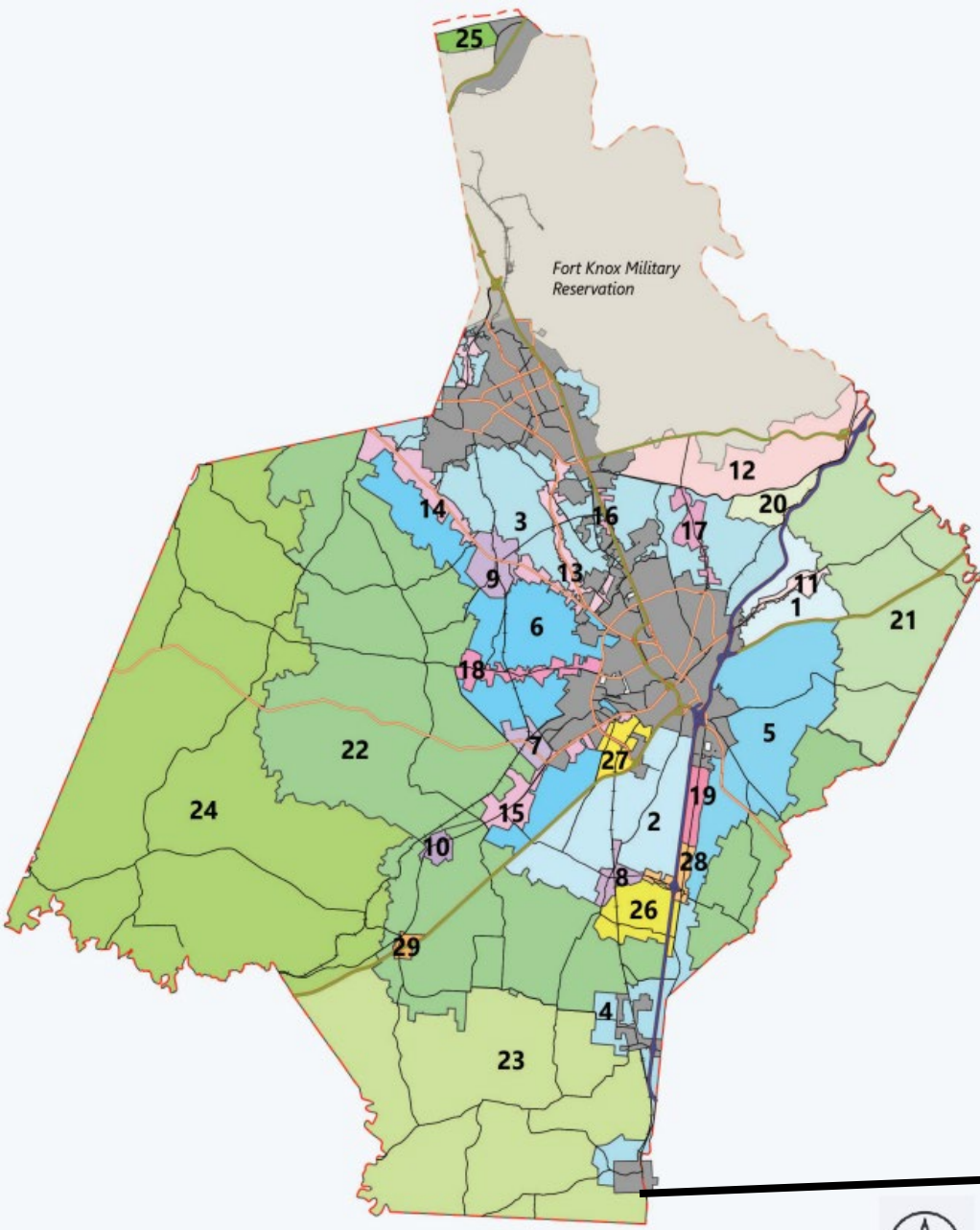


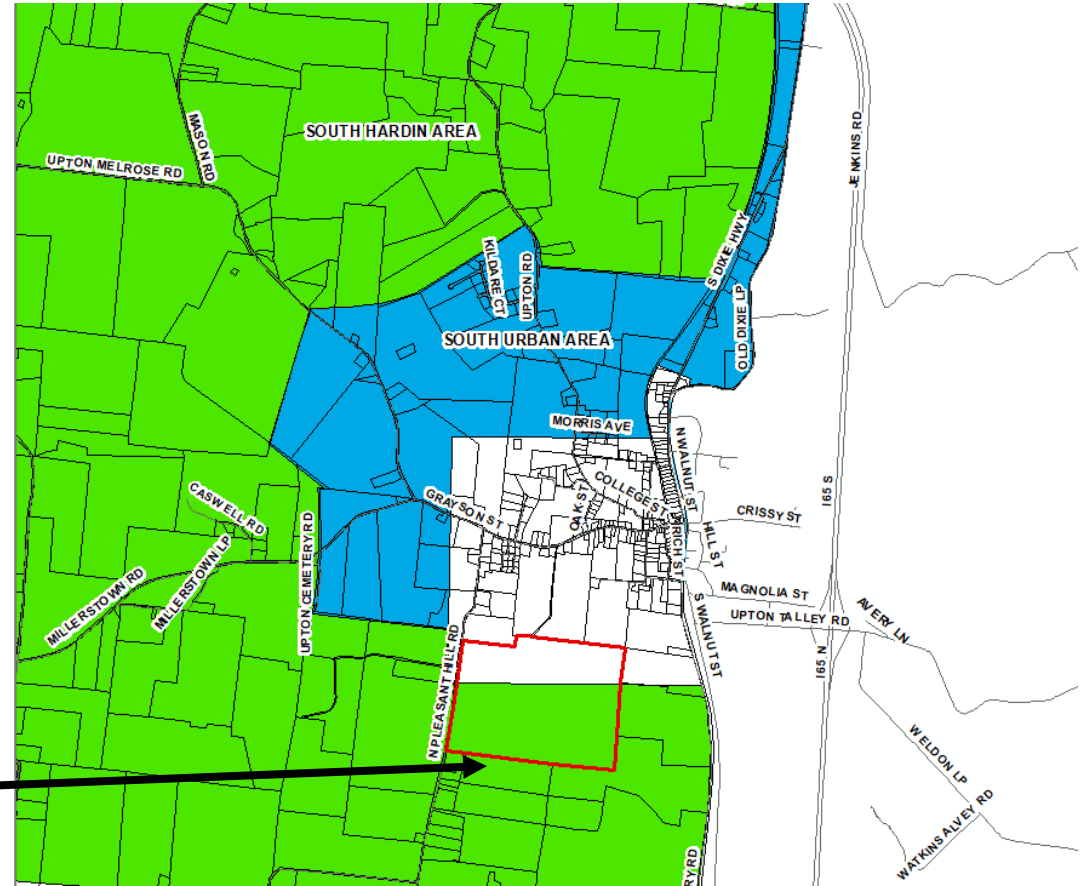
Figure 2-2: Planning Areas

South Hardin Area

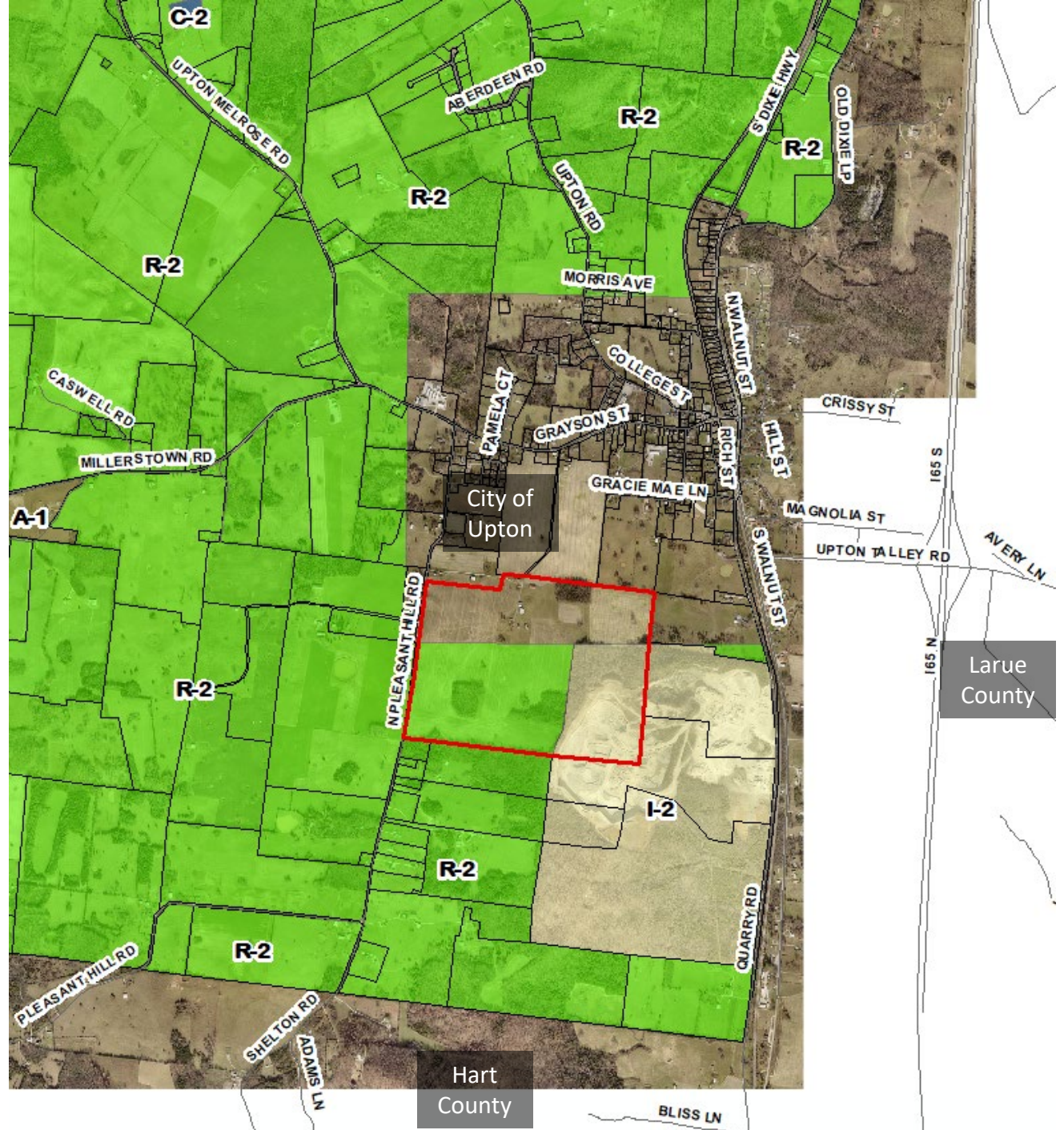
This planning area is part of the Rural Area future land use group. This large planning area is located in the southernmost portion of the county. It is generally bounded by Sonora Hardin Springs Road (KY 84) and the Western Kentucky Parkway on the north near White Mills and Sonora. Hart County is the southern border and Grayson County is the western border. This planning area was adjusted from the previous 2019 comprehensive plan when the eastern boundary was moved from the Larue County line to just west of Sonora and Upton to anticipate growth from the BlueOval SK Battery Park. This area also includes the rural unincorporated communities of Flint Hill and Spurrier. The South Hardin Area Planning Area is approximately 63.9 square miles (40,940 acres) in size. This area may face annexation pressure from Sonora and Upton.

Recommended Land Uses

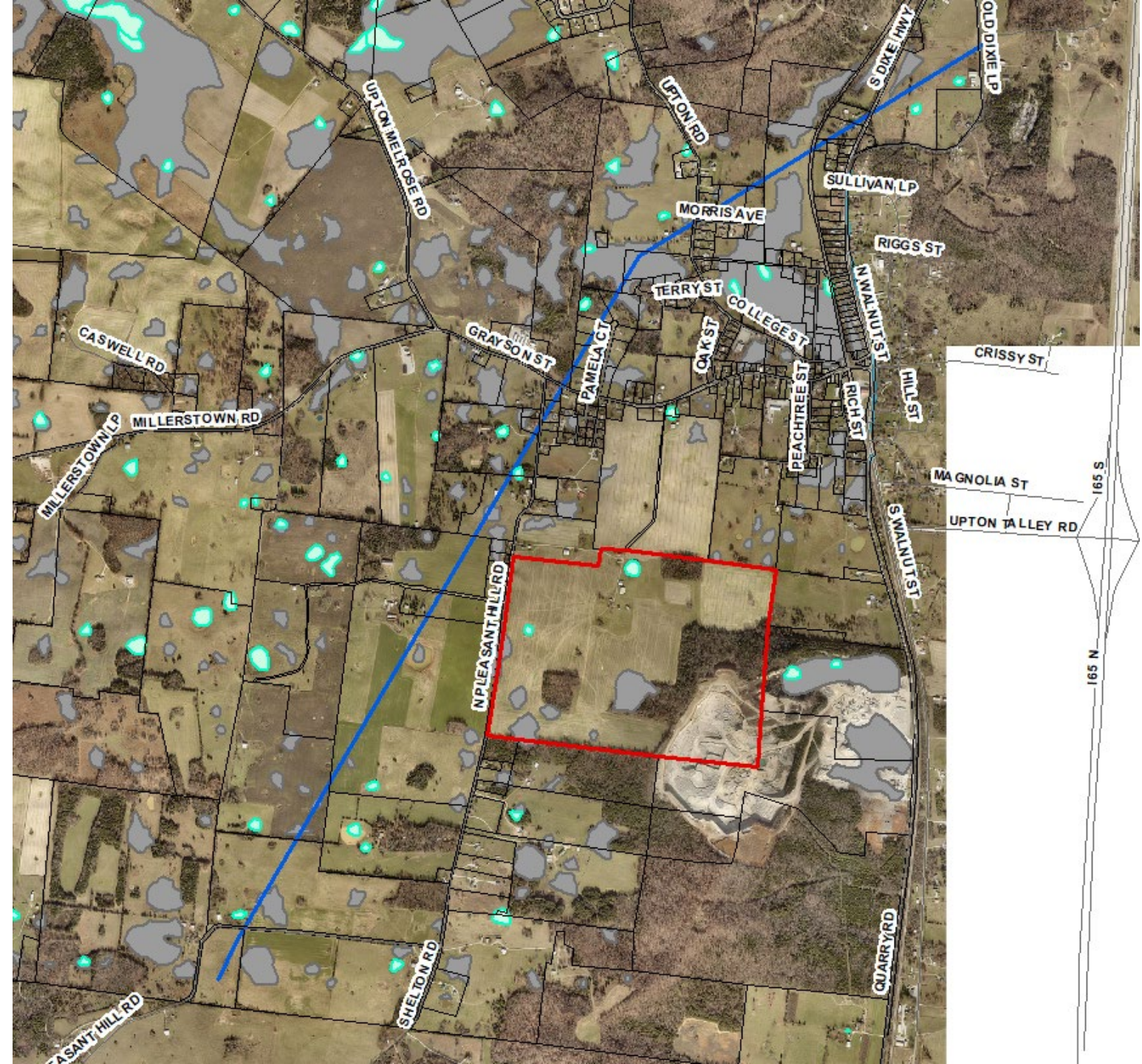
- The recommended land use pattern is low density rural residential development and agricultural uses.
- Commercial development is appropriate at intersections of two state highways.
- All commercial development should be limited to Neighborhood Commercial and Convenience Commercial uses and should serve local demand rather than regional or area-wide demand.
- Areas with steep slopes and natural features that constrain development should not be developed if not appropriately and adequately addressed during the development review process.



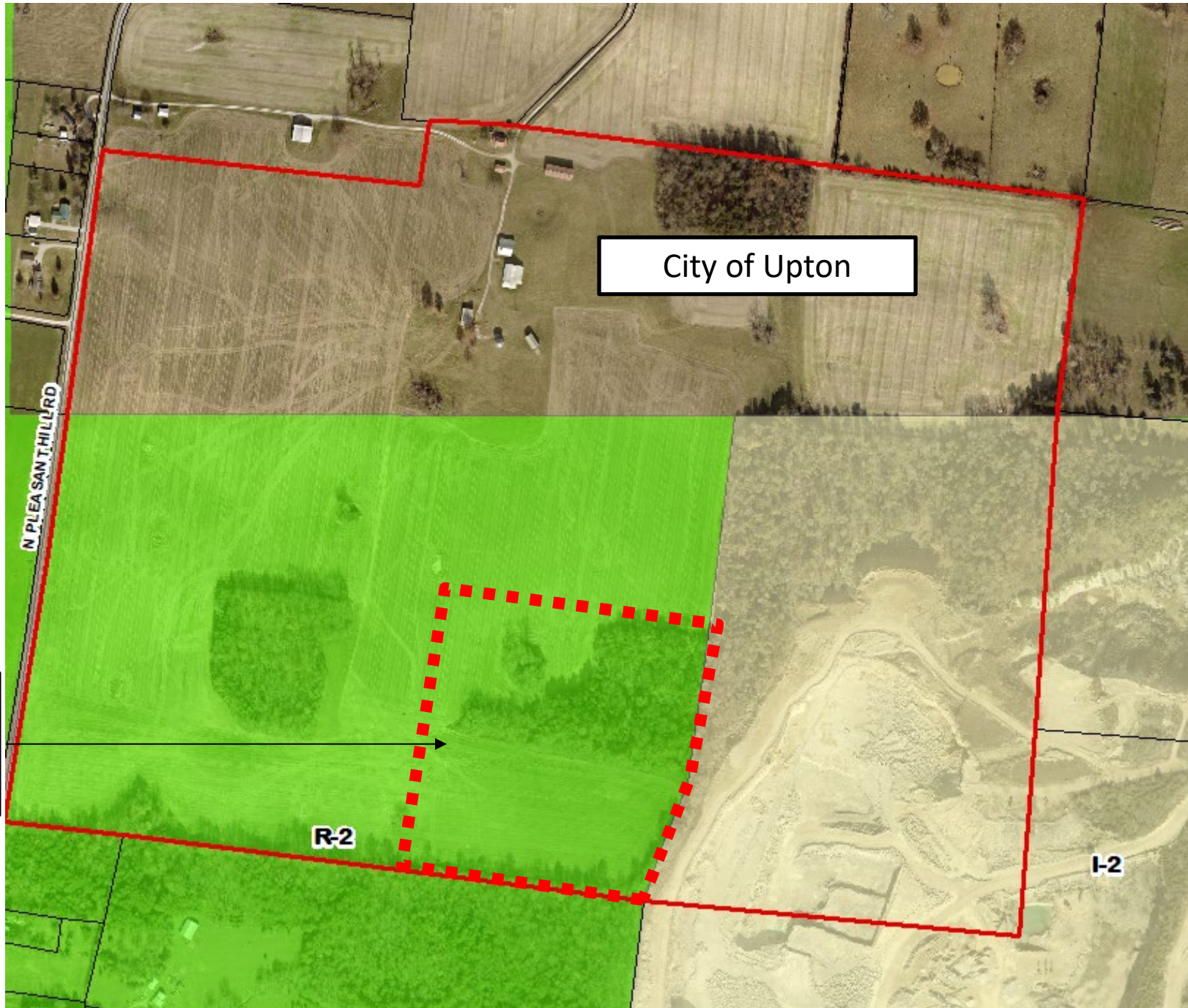
- MasterZone
- DISTRICT
- A-1
- B-1
- B-2
- C-0
- C-1
- C-2
- I-1
- I-2
- IH
- PD-1
- R-1
- R-2
- R-3
- R-4



- Hardin_Wetlands
- Hardin_100Flood
- Streams 2023
- hardin_sinkhole



- MasterZone
- DISTRICT
- A-1
- B-1
- B-2
- C-0
- C-1
- C-2
- I-1
- I-2
- IH
- PD-1
- R-1
- R-2
- R-3
- R-4



Proposed 18.1 Acre
Expansion to be
rezoned to I-2

Timeline

Permit Date	Owner	PVA Map Number	Type	Zone	Listed Use (Dvpl. Cup, Var, Maps)	Project / Subdivision Name	Request	Site Address	Expiration Date	Status
08/28/2024	CASWELL STEVEN E	196-00-00-018,197-00-00-013, 197-00-00-014, 197-00-00-006.06, 197-00-00-012	CONDITIONAL USE PERMIT (AMENDED)	R-2 - RURAL RESIDENTIAL ZONE	CRUSHED STONE, SAND, GRAVEL OPERATION	UPTON QUARRY	TO ALLOW FOR A 18.1 ACRE EXPANSION OF AN EXISTING QUARRY OPERATION	607 QUARRY ROAD	12/06/2024	PENDING
08/28/2024	CASWELL STEVEN E	196-00-00-018, 197-00-00-012, 197-00-00-006.06,197-00-00-014, 197-00-00-013	DEVELOPMENT PLAN (AMENDED)	R-2 - RURAL RESIDENTIAL ZONE	CRUSHED STONE, SAND, GRAVEL OPERATION	UPTON QUARRY	TO ALLOW FOR A 18.1 ACRE EXPANSION OF THE EXISTING QUARRY OPERATION	607 QUARRY ROAD	12/06/2024	PENDING
08/28/2024	CASWELL STEVEN E	196-00-00-018	MAP AMENDMENT	R-2 - RURAL RESIDENTIAL ZONE	CRUSHED STONE, SAND, GRAVEL OPERATION	UPTON QUARRY	TO ALLOW FOR A 18.1 ACRE EXPANSION OF AN EXISTING QUARRY OPERATION	607 QUARRY ROAD	12/06/2024	PENDING
05/26/2023	HEIDELBERG MATERIALS MIDWEST AGG INC	197-00-00-013; 197-00-00-014; 197-00-00-012	DEVELOPMENT PLAN (AMENDED)	I-2 - HEAVY INDUSTRY ZONE	ASPHALT MANUFACTURING	SCOTTY'S UPTON ASPHALT PLANT	TO ALLOW FOR THE EXPANSION OF AN ASPHALT PLANT TO INCLUDE A MATERIAL TESTING LAB, AND AGGREGATE STORAGE.	607 QUARRY RD		APPROVED
05/26/2023	HEIDELBERG MATERIALS MIDWEST AGG INC	197-00-00-013; 197-00-00-012 & 197-00-00-014	CONDITIONAL USE PERMIT (AMENDED)	I-2 - HEAVY INDUSTRY ZONE	ASPHALT MANUFACTURING	SCOTTY'S UPTON PLANT	TO ALLOW FOR THE EXPANSION OF AN ASPHALT MANUFACTURING PLANT ON SITE THAT WILL INCLUDE A MATERIAL TESTING LAB AND AGGREGATE STORAGE FOR A PLANT THAT BEING RE-LOCATED	607 QUARRY ROAD		APPROVED
05/25/2023	HEIDELBERG MATERIALS MIDWEST AGG INC	197-00-00-013; 197-00-00-014; 197-00-00-012; 196-00-00-018; 197-00-00-006.06	DEVELOPMENT PLAN (AMENDED)	I-2 - HEAVY INDUSTRY ZONE	ASPHALT MANUFACTURING	HEIDELBERG MATERIALS UPTON QUARRY	TO ALLOW FOR AN EXPANSION OF THE LEASED AREA TO SCOTTYS	607 QUARRY RD, UPTON, KY		APPROVED
04/18/2016	LIVELY FAMILY LIVING TRUST	196-00-00-018;197-00-00-012;197-00-00-013;197-00-00-014;197-00-00-006.06	INQUIRY	I-2 - HEAVY INDUSTRY ZONE	CRUSHED STONE, SAND, GRAVEL OPERATION	HANSON AGGREGATES	OPEN RECORDS	607 QUARRY ROAD		APPROVED
01/30/2015	KENTUCKY STONE CO	196-00-00-018;197-00-00-012;197-00-00-013;197-00-00-014;197-00-00-006.06	DEVELOPMENT PLAN	I-2 - HEAVY INDUSTRY ZONE	CRUSHED STONE, SAND, GRAVEL OPERATION	Hanson Aggregates	Development Plan to allow for expansion of the Hanson Quarry in Upton	607 Quarry Road	05/10/2015	APPROVED
10/27/2014	LIVELY FAMILY LIVING TRUST	197-00-00-012;197-00-00-006.06	MAP AMENDMENT	R-2 - RURAL RESIDENTIAL ZONE	CRUSHED STONE, SAND, GRAVEL OPERATION	Hanson Aggregates	Map Amendment from Rural Residential (R-2) to Heavy Industrial (I-2) to allow for the expansion of the Hanson Quarry in Upton.	607 Quarry Road		APPROVED
10/27/2014	WILLIAM AND JUDITH LIVELY	197-00-00-012;197-00-00-006.06	CONDITIONAL USE PERMIT (AMENDED)	I-2 - HEAVY INDUSTRY ZONE	CRUSHED STONE, SAND, GRAVEL OPERATION	Hanson Aggregates	Conditional Use Permit to allow for a Crushed Stone, Sand, & Gravel Operation to allow for the Hanson Quarry in Upton.	607 Quarry Road		APPROVED
06/18/2010	KENTUCKY STONE COMPANY	197-00-00-013	CONDITIONAL USE PERMIT	I-2 - HEAVY INDUSTRY ZONE	ASPHALT MANUFACTURING	SCOTTY'S UPTON ASPHALT PLANT /	REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE AN ASPHALT PLANT	607 QUARRY ROAD	08/08/2010	APPROVED
06/16/2010	KENTUCKY STONE CO.	197-00-00-013	DEVELOPMENT PLAN	I-2 - HEAVY INDUSTRY ZONE	ASPHALT MANUFACTURING	SCOTTY'S CONTRACTING AND STONE, I.I.C. - UPTON /	ASPHALT MANUFACTURING LEASED AREA	607 QUARRY ROAD	10/28/2010	APPROVED
02/13/1991	WILLIAM & JUDITH LIVELY	197-00-00-012	CONDITIONAL USE PERMIT (AMENDED)	PRIOR TO ZONING		KY STONE CO - EXPANSION / KENTUCKY STONE	APPEAL OF THE GROWTH GUIDANCE ASSESSMENT TO COMMISSION	607 QUARRY RD OFF 31W	03/05/1991	APPROVED
01/25/1991	WILLIAM & JUDITH LIVELY	197-00-00-012	CONDITIONAL USE PERMIT	PRIOR TO ZONING		KY STONE CO - EXPANSION / KENTUCKY STONE	QUARRY EXPANSION	607 QUARRY RD OFF 31 W	03/21/1991	APPROVED

Records 1 to 14 (of 14)

1991 – Initial Conditional Use Permit

2010 – Amended CUP/Development Plan for an Asphalt Plant on Site

2015 – Map Amendment, Amended CUP, & Amended Development Plan for an Expansion of the Quarry Operation (Lively)

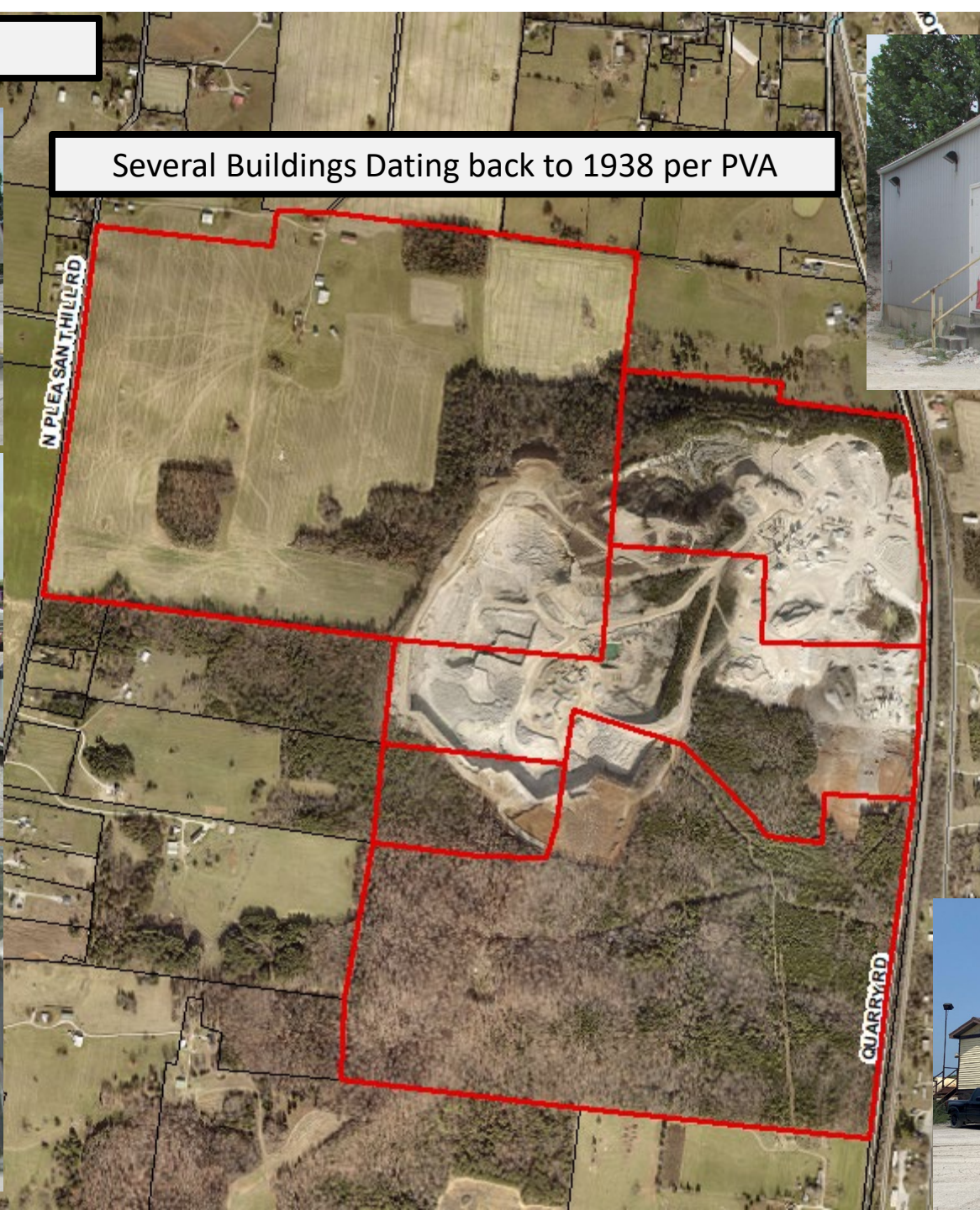
2023 – Amended CUP, & Amended Development Plans for an expansion of the Asphalt Plant/Area leased to Scotty's

2024 – Map Amendment, Amended CUP & Amended Development Plan for an 18.1-Acre Expansion of the Quarry

Character of the Site – Rock Quarry



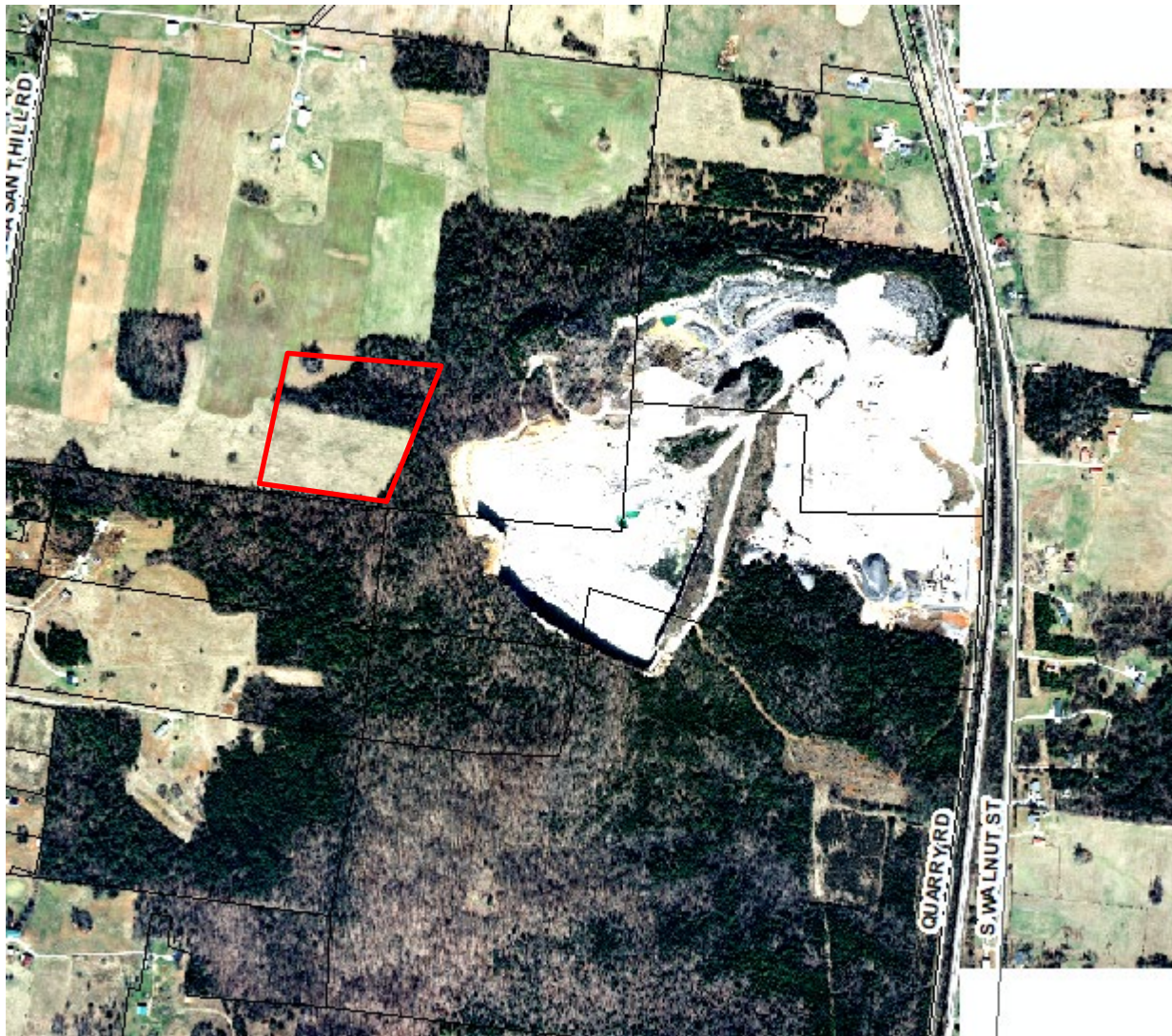
Several Buildings Dating back to 1938 per PVA



Historic Aerial from 1951



2012 Aerial – Prior to 180 Ac. Expansion



2023 Aerial



Character of the Site – Caswell Property



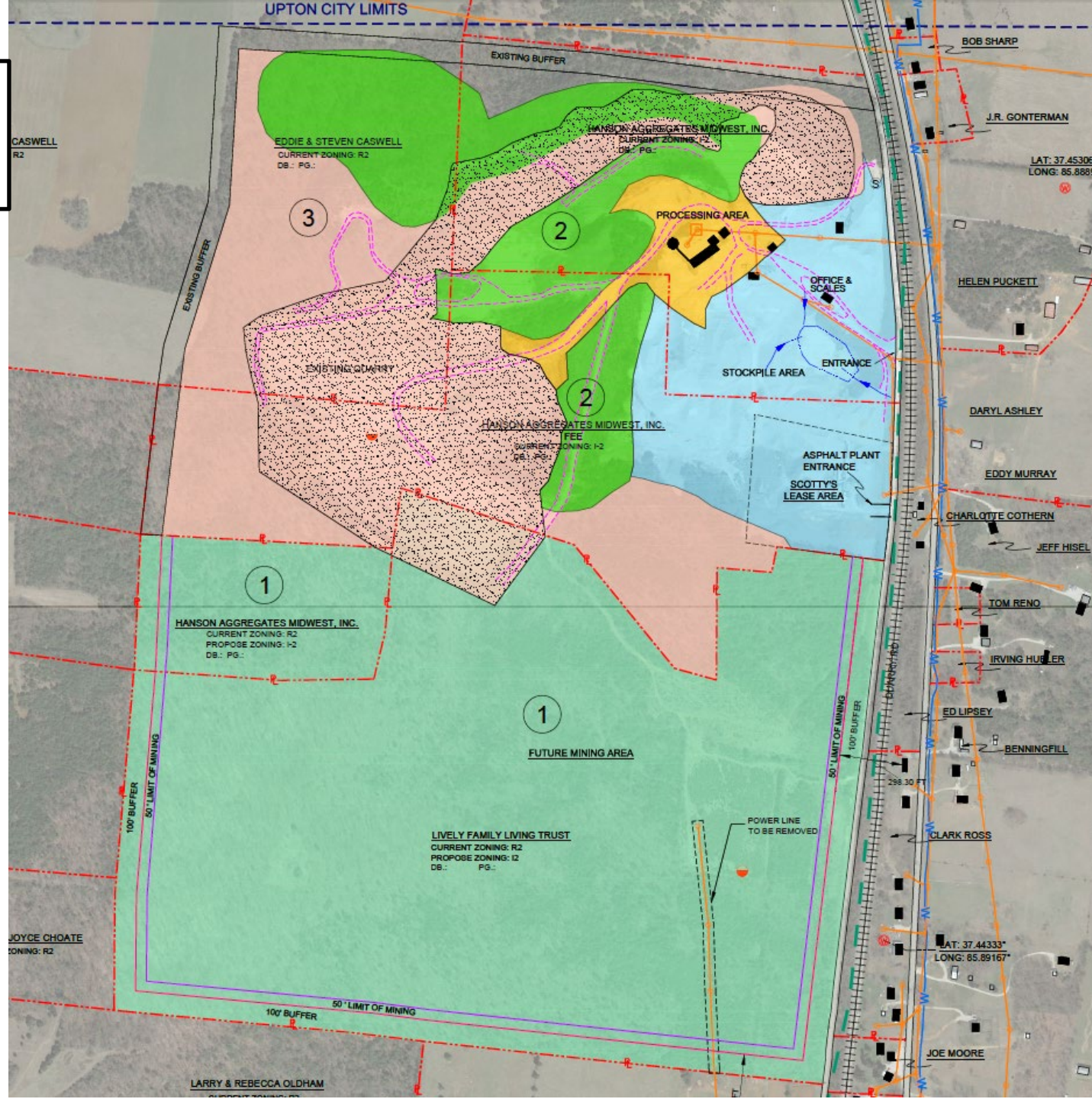
1488 sq. ft. Home (1921)



Several Barns 1970-2017



2015 Development Plan –
 180 acre expansion area in
 light green (Lively)

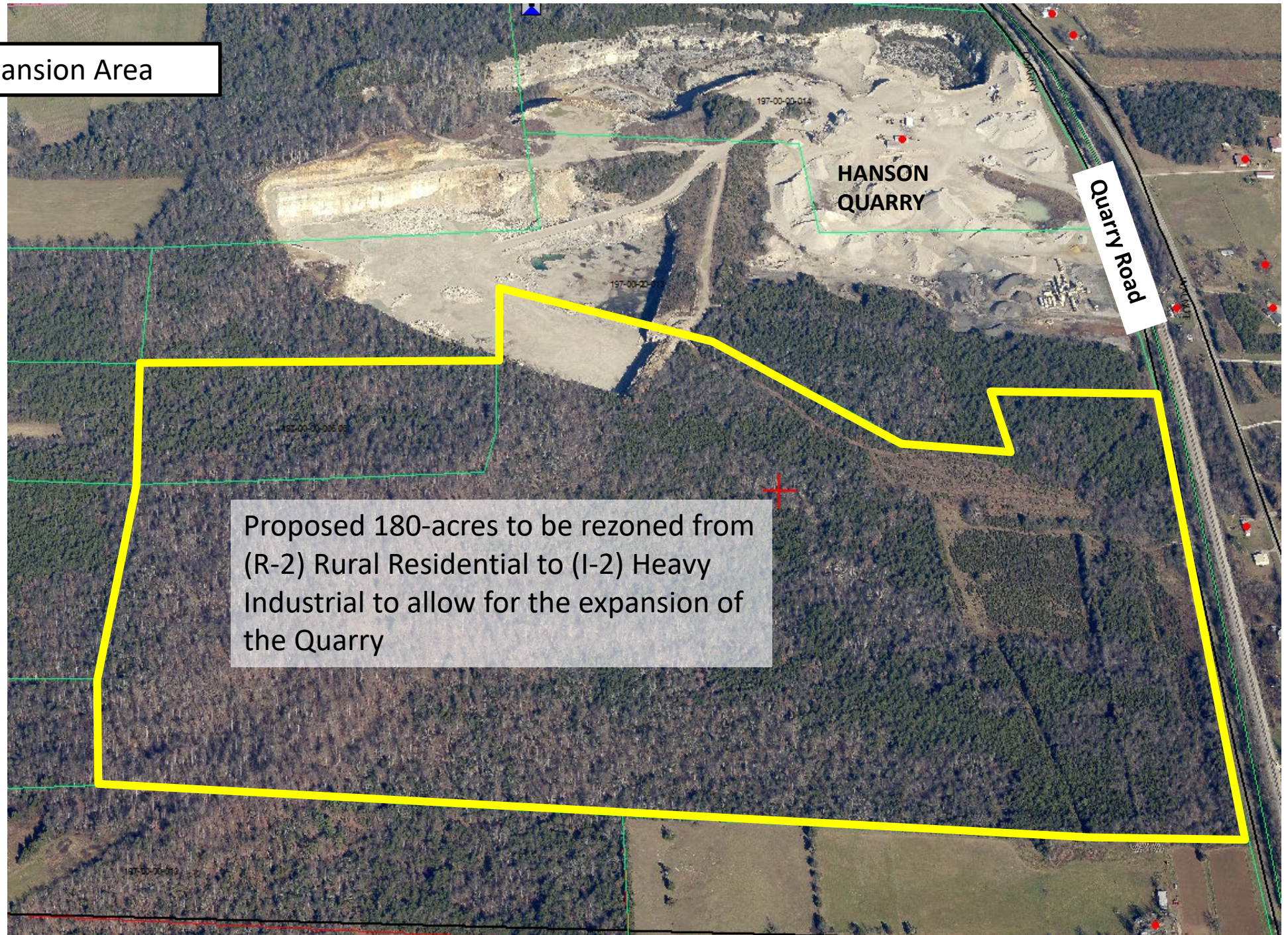


2015 Expansion Area

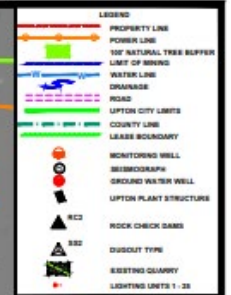
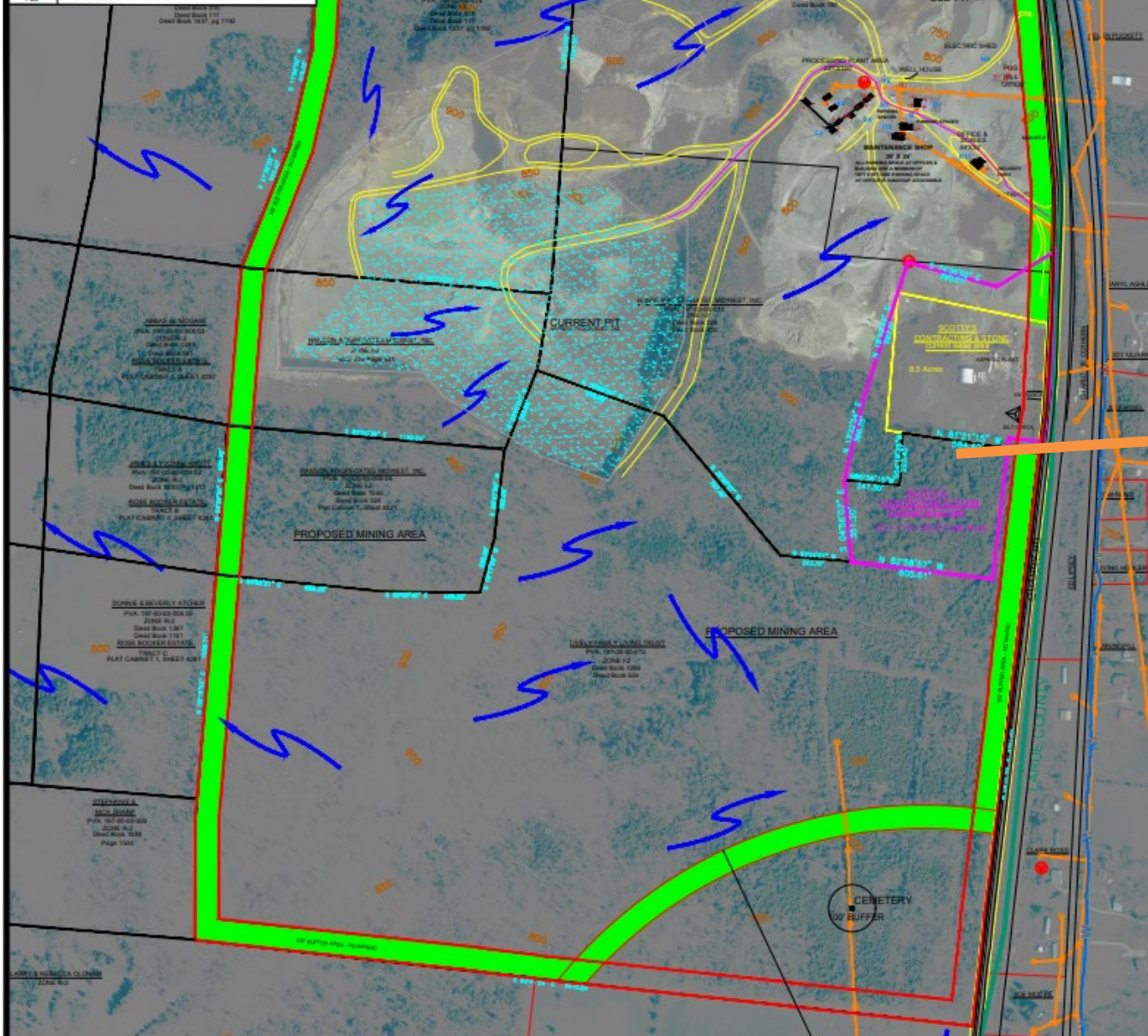
HANSON
QUARRY

Quarry Road

Proposed 180-acres to be rezoned from (R-2) Rural Residential to (I-2) Heavy Industrial to allow for the expansion of the Quarry



MEASURED IN FEET				
BUILDING #	NAME	OVERALL LENGTH	OVERALL WIDTH	ROOF PEAK HEIGHT
A1	PRIMARY CRUSHER SECTION	36	26	31
B2	PLAN MISC BUILDING	32	12	10
C3	SQUARE TOWER - NO ROOF	36	14	N/A
D4	SECONDARY BUILDING	30	12	48
E5	TERTIARY BUILDING	35	12	46
F6	PUMP HOUSE	12	10	8
G7	OL. LUMBER STORAGE BUILDING	34	24	12
H8	RUMAL MISC BUILDING	12	10	8
I9	CONCRETE STORAGE	48	24	8
J10	MAINTENANCE SHOP	42	28	10
K11	MIX OFFICE	36	22	8
L25	LIGHTED VEHICLE			



WASTEWATER CERTIFICATION
I certify that the wastewater system(s) installed or proposed for installation in this development fully meets the requirements of this jurisdiction and are approved.
OFFICIAL: TITLE DATE
HARDIN COUNTY ENFORCEMENT PERMIT
GASTIGATION

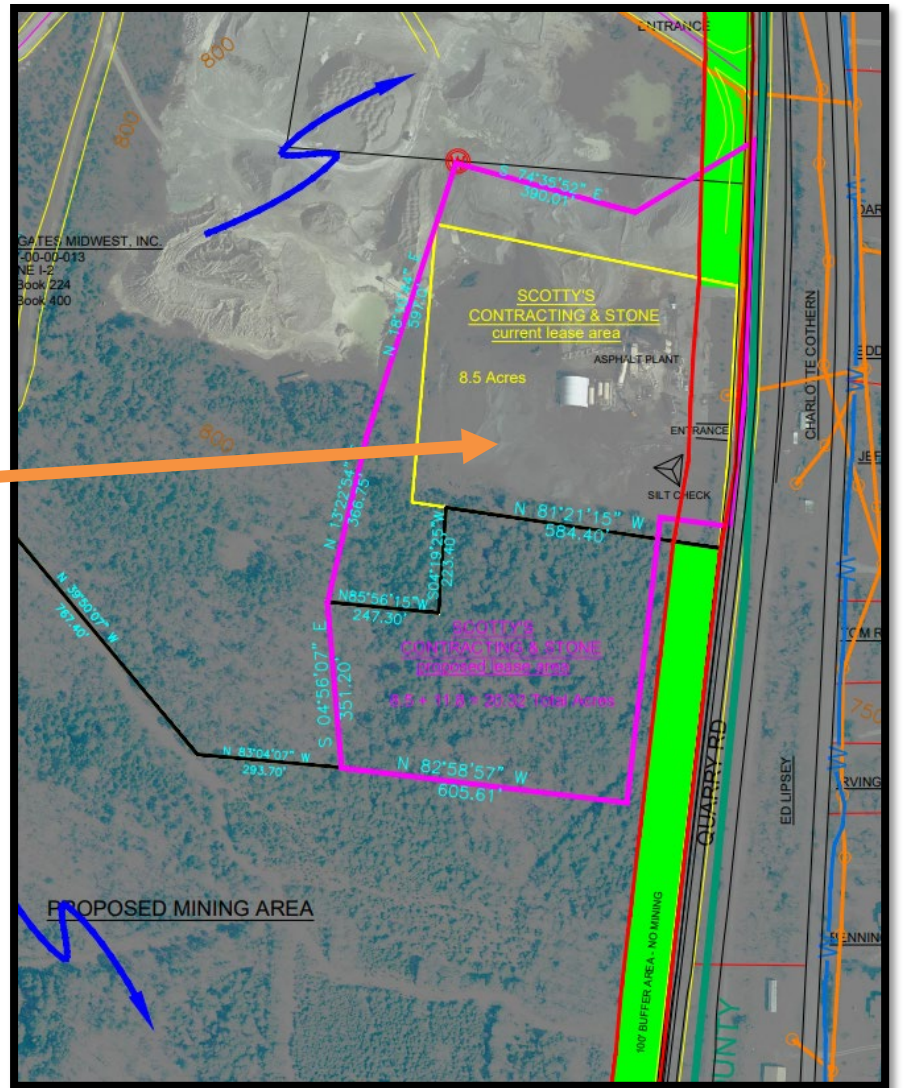
COMPRESSION CERTIFICATION
I do hereby certify that this plan has been approved in accordance with the regulatory requirements by the Hardin County Planning and Development Commission.
COMMISSIONER CHAIR OR DIRECTOR

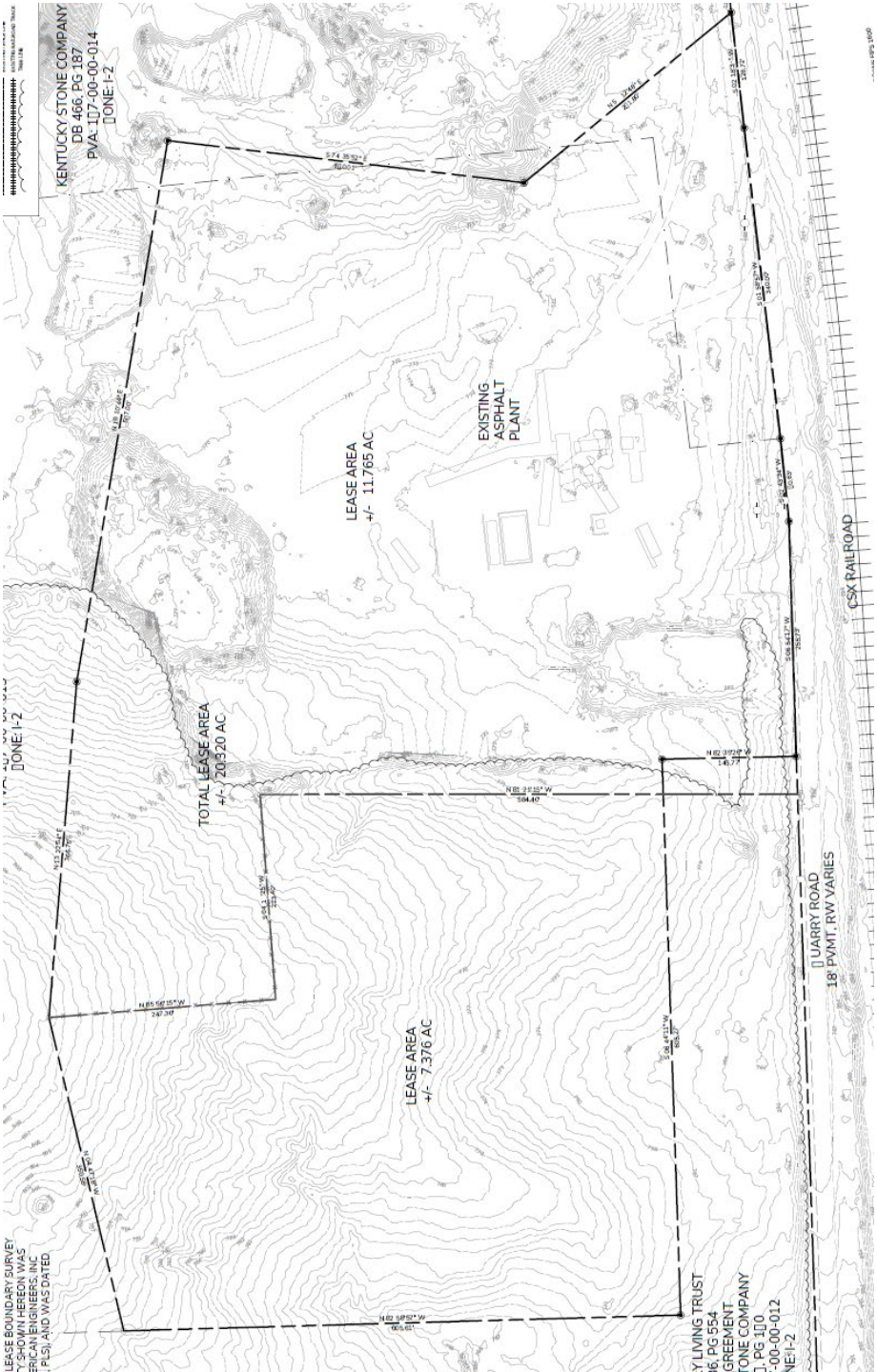
OWNER CERTIFICATION
I (we) do hereby certify that I am (we are) the only owner(s) of the property shown herein and do adopt this as my (our) Master Plan / Conceptual Development Plan coverage for the property.
OWNER SIGNATURE DATE

OWNER CERTIFICATION
I (We) Do hereby certify that I am (We are) the only owner(s) of the property shown herein, do adopt this as my (our) Development Plan coverage for the property and agree to complete all site improvements shown herein as their priority prior to receiving a Certificate of Occupancy to use and occupy the building(s) and property. I (We) further assure and acknowledge that the building and premises, including all discharge materials shall be maintained in a proper manner.
OWNER DATE
OWNER DATE

COMMONWEALTH OF KENTUCKY COUNTY OF HARDIN
I, the undersigned Notary Public, do hereby certify that the foregoing instrument was delivered and acknowledged before me in Hardin County, Kentucky. I further certify that the above signature(s) is (are) legal. (This Plan) has been recorded voluntarily on this date, to the best of my knowledge and belief.
Witness my hand this ____ day of ____ 2023

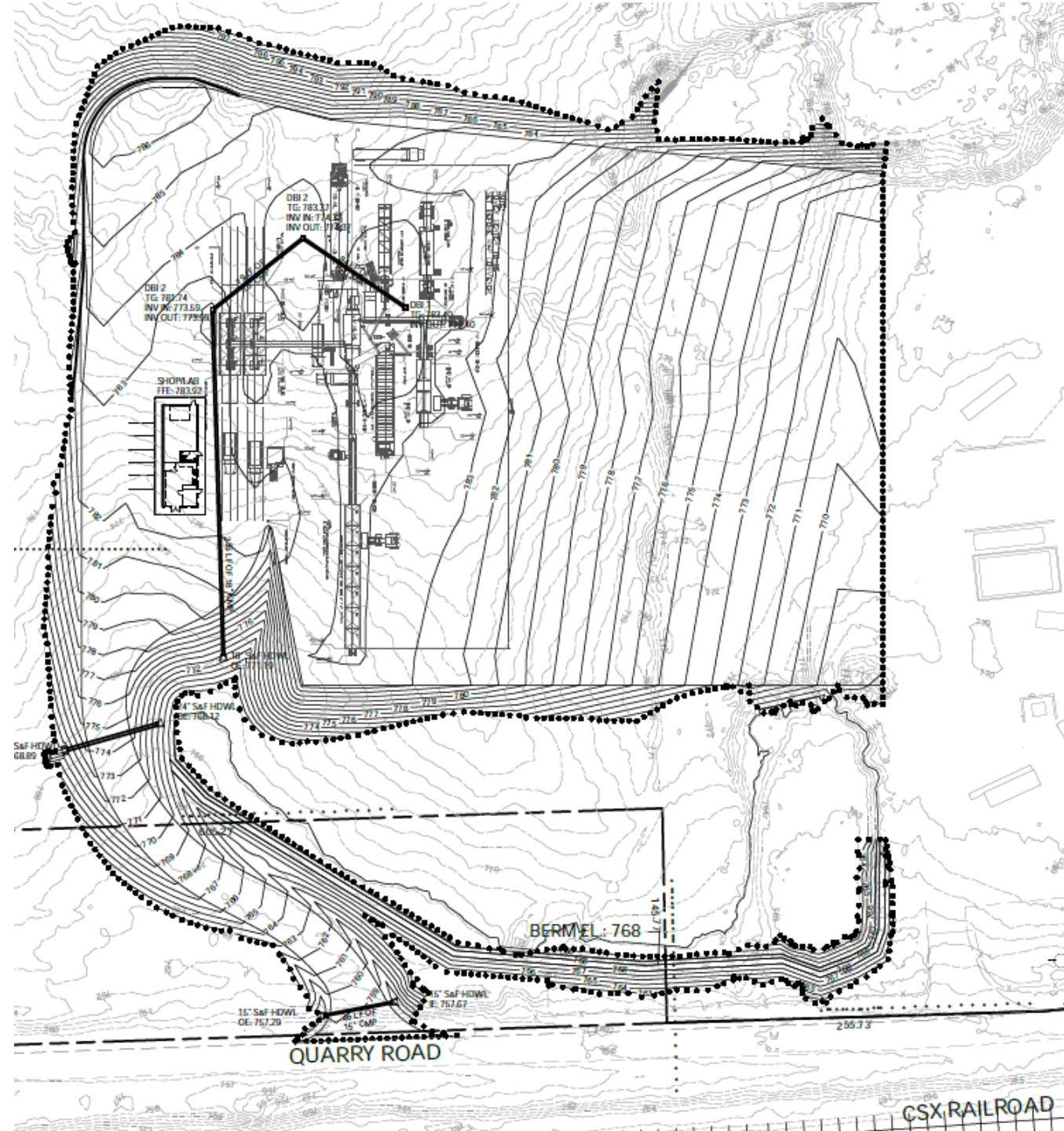
2023 Development Plan – Scotty's Asphalt Plant Expansion





LEASE BOUNDARY SURVEY
BY SHOWN HEREON WAS
PERFORMED BY
ERIC A. HENNER, INC.
L.P.S., AND WAS DATED

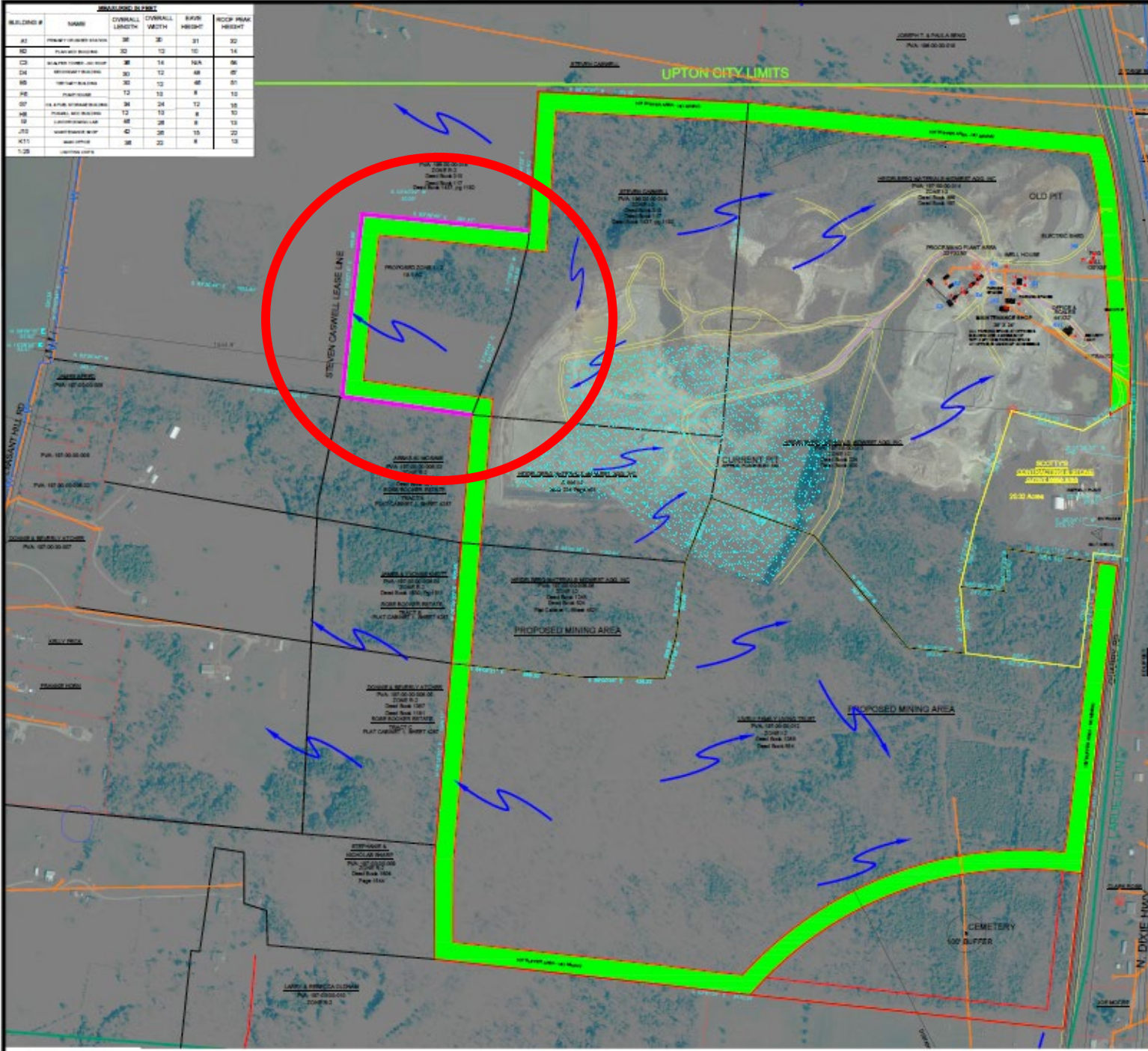
BY LIVING TRUST
16, PG 554
AGREEMENT
KENTUCKY STONE COMPANY
1, PG 100
17-00-00-012
DONE 1-2



2024 Proposed Development Plan

18.1 Acre Quarry Expansion

BUILDING #	NAME	OVERALL LENGTH	OVERALL WIDTH	BASE HEIGHT	ROOF PEAK HEIGHT
B1	STEVEN CARROLL HOUSE	36	30	11	12
B2	STEVEN CARROLL HOUSE	32	12	10	11
B3	STEVEN CARROLL HOUSE	36	14	N/A	N/A
B4	STEVEN CARROLL HOUSE	30	12	10	11
B5	STEVEN CARROLL HOUSE	30	12	10	11
B6	STEVEN CARROLL HOUSE	12	10	9	10
B7	STEVEN CARROLL HOUSE	34	24	12	13
B8	STEVEN CARROLL HOUSE	12	10	8	10
B9	STEVEN CARROLL HOUSE	48	28	9	10
B10	STEVEN CARROLL HOUSE	42	28	10	11
B11	STEVEN CARROLL HOUSE	38	22	9	10
B12	STEVEN CARROLL HOUSE				



- PROPERTY LINE
- POWER LINE
- 100' NATURAL TREE BUFFER
- LIMIT OF BORING
- WATER LINE
- DRAINAGE
- ROAD
- UPTON CITY LIMITS
- COUNTY LINE
- LEASE BOUNDARY
- MONITORING WELL
- HYDROGRAPH
- GROUND WATER WELL
- UPTON PLANT STRUCTURE
- ROCK CHECK DAM
- SUBSIDIARY
- EXISTING QUARRY
- LIGHTING LIMITS - 120'
- CARROLL LEASE LINE



PREPARED BY:
 I certify that this Plan was prepared by me or a duly licensed and certified professional engineer or architect and is a true and correct representation of the information furnished to me.

Professional Signature: _____ Title: _____
 Certification Number: _____

APPROVED BY:
 I certify that the wastewater system installed or proposed for installation in this development fully meets the requirements of the jurisdiction and is approved.

OFFICIAL: _____ TITLE: _____ DATE: _____

HARDY COUNTY SUPERVISOR'S OFFICE CERTIFICATION:
 I certify that the site shown here is legal and adequate evidence of a valid and enforceable lease, mortgage or other interest in the land shown here. I will not issue a Certificate of Occupancy until the above interest is properly recorded in the public records.

Official: _____ Title: _____ Date: _____

OWNER CERTIFICATION:
 I own the land shown here and I am the only owner of the property shown here and do not have any other interest in the land shown here. I am the owner of the property shown here and do not have any other interest in the land shown here.

OWNER SIGNATURE: _____ DATE: _____

ADJACENT PROPERTY OWNER CERTIFICATION:
 I own the land shown here and I am the only owner of the property shown here. I am the owner of the property shown here and do not have any other interest in the land shown here. I will not issue a Certificate of Occupancy until the above interest is properly recorded in the public records.

Official: _____ Title: _____ Date: _____

ADJACENT PROPERTY OWNER CERTIFICATION:
 I own the land shown here and I am the only owner of the property shown here. I am the owner of the property shown here and do not have any other interest in the land shown here. I will not issue a Certificate of Occupancy until the above interest is properly recorded in the public records.

Official: _____ Title: _____ Date: _____

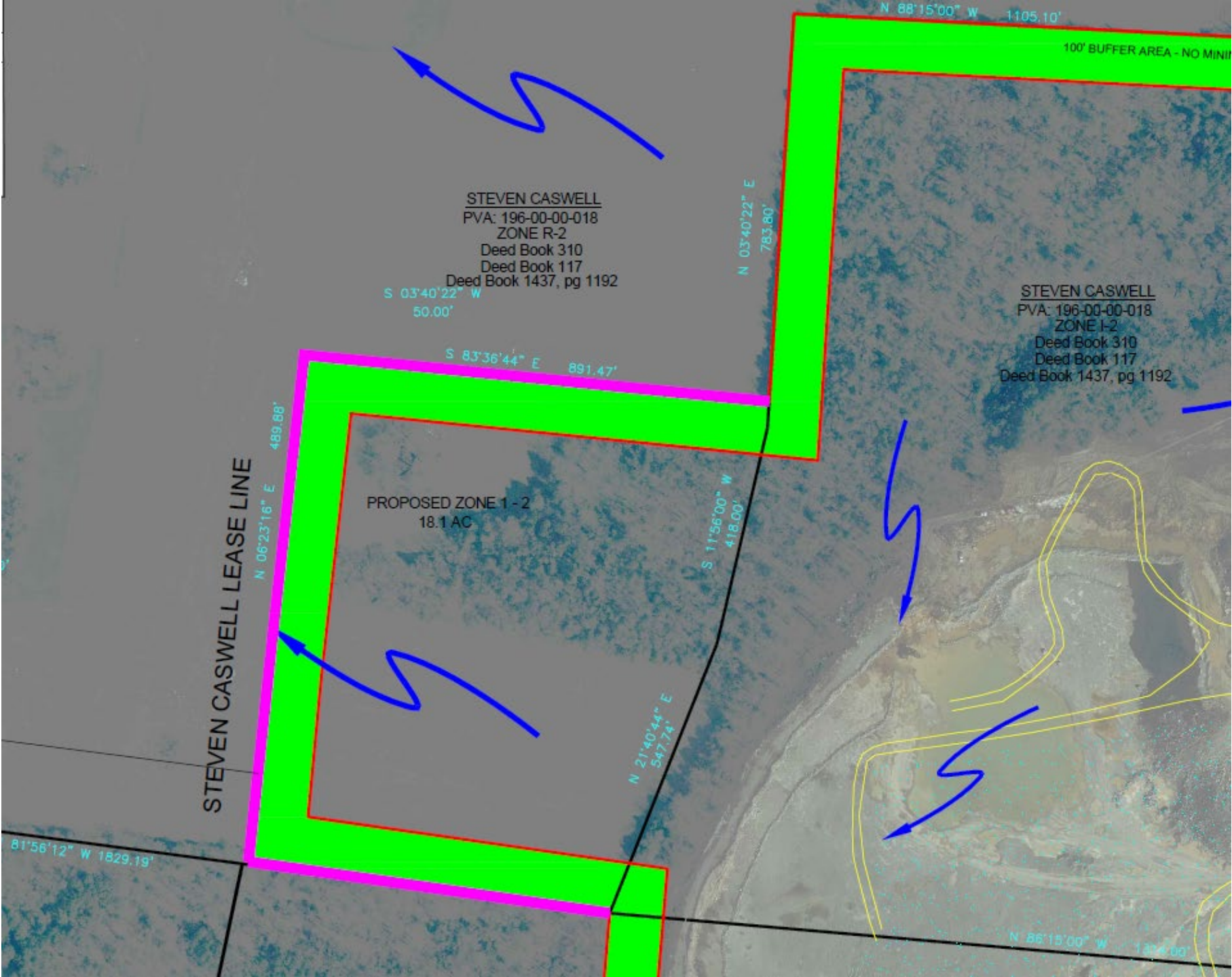
COMMISSIONER'S CERTIFICATION:
 I, the undersigned County Public, do hereby certify that the foregoing information was obtained and investigated before me in Hardy County, Kentucky, and I believe that the above information is true and correct to the best of my knowledge and belief.

Witness my hand this _____ day of _____ (Month) _____ (Year) _____ (City) _____ (State) _____ (County) _____ (Country).

My Title: _____ By: _____ (Signature)
 Commission Title: _____

PLANNING DEPARTMENT CERTIFICATION:
 The plans for this development have been reviewed by the Planning Department and are in compliance with the applicable zoning and subdivision regulations of Hardy County, Kentucky.

PLANNING DEPARTMENT OFFICIAL: _____ TITLE: _____ DATE: _____



STEVEN CASWELL
PVA: 196-00-00-018
ZONE R-2
Deed Book 310
Deed Book 117
Deed Book 1437, pg 1192
S 03°40'22" W 50.00'

STEVEN CASWELL
PVA: 196-00-00-018
ZONE I-2
Deed Book 310
Deed Book 117
Deed Book 1437, pg 1192

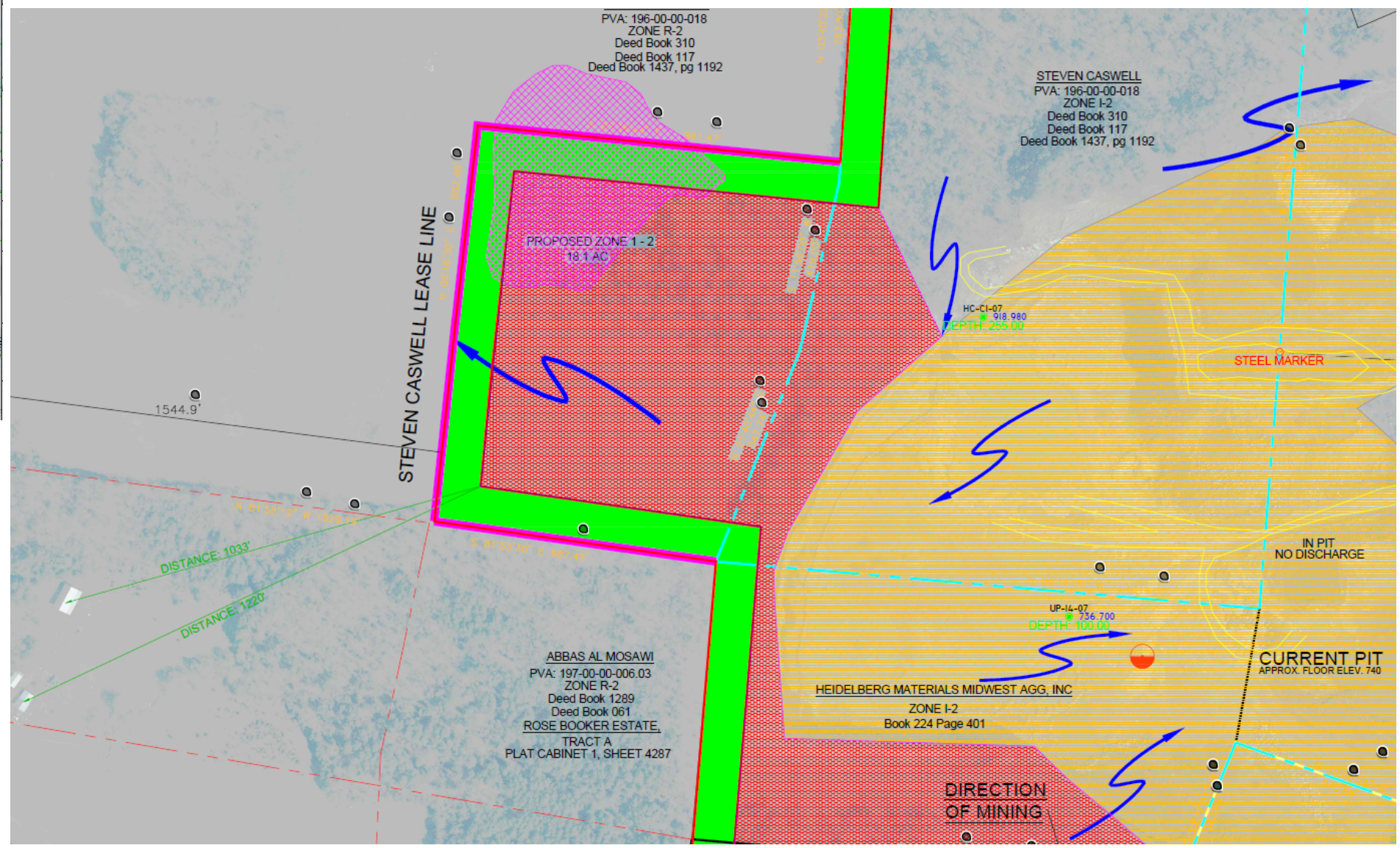
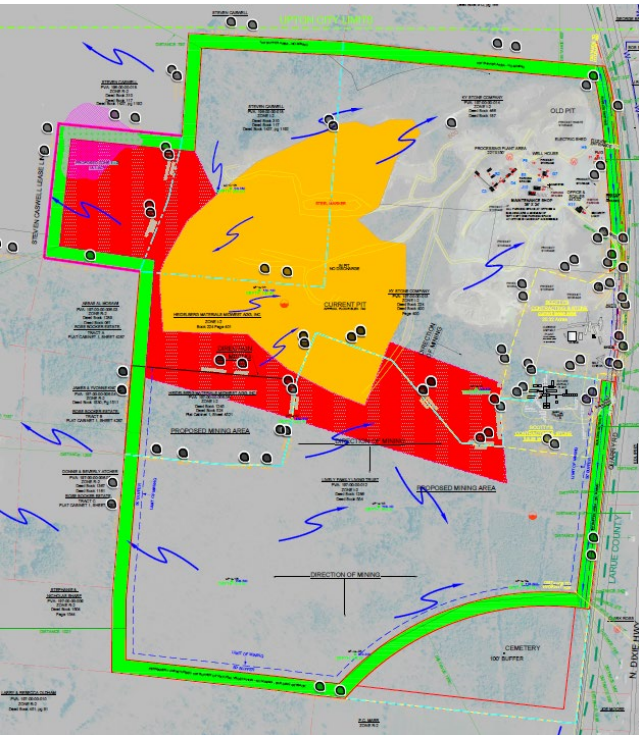
STEVEN CASWELL LEASE LINE

PROPOSED ZONE 1-2
18.1 AC

100' BUFFER AREA - NO MINIMUM

81°56'12" W 1829.19'

N 86°15'00" W 1300.00'



Interstate 65

Quarry Road



Looking south



Looking west



Looking north



Existing
Scotty's
plant and
site of
future plant
under
construction



Existing pit looking
northeast

















KYTC Plans for new railroad crossing for access between Quarry Road & US 31W.

Railroad Crossing Elimination Grant

Quarry Road Grade Separation Project
Elimination of 2 At-Grade Crossings





Department for Natural Resources

Division of Mine Reclamation and Enforcement

SURFACE DISTURBANCE MINING PERMIT



Hanson Aggregates Midwest, LLC - Upton Quarry

607 Quarry Road
Upton, KY 42784


The Division of Mine Reclamation and Enforcement hereby grants the above-named operator a permit to engage in the mining of limestone and overburden. This permit does not confer an unqualified right to mine but is subject to KRS Chapter 350 and regulations promulgated pursuant thereto. Conformance with all such laws and regulations is the responsibility of the permittee. Further, this permit is subject to any conditions and operating limitations specified below:

- (1) The provisions of Public Law 95-87 do not apply to this operation.
- (2) **This permit is being issued as a renewal and a revision. Revision is to both reallocate acreage by activity and to approve a partial, no-bond, release of 9.0 acres.**
- (3) Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses or approvals required by the cabinet and/or other state, federal and local agencies. Conformance with all such laws and regulations is the responsibility of the permittee and shall be a condition of this permit pursuant to 405 KAR 5:015 Section 4 (8).
- (4) The permittee shall comply with all regulations in 405 KAR Chapter 5.

No deviation from the plans and specifications submitted with your application or the conditions specified above is permitted, unless previously authorized in writing by the Division of Mine Reclamation and Enforcement. At any time the terms and conditions contained in this permit are violated, it shall become null and void. All rights of inspection by representatives of the Division of Mine Reclamation and Enforcement are reserved.

Receipt of the permit fee and bond amount specified below is hereby acknowledged.

Major Watershed: Green River	Permit Number: 047-9403
Legal Structure: LLC	Effective Date: 05-01-2019
Permit Fee: \$125.00	Expiration Date: 05-01-2024
Bond Type: NA	Type of Mining: Surface
Bond Amount: NA	County: Hardin
Bond Number: NA	Acres: 350.70
	Issued: 05-02-2019


Director, Division of Mine Reclamation and Enforcement

Reasons for Granting a Map Amendment

KRS 100.213

Before any map amendment may be granted, the planning commission shall consider the evidence and testimony presented by the proponents and opponents of the proposed amendment and make findings of facts that one or more of the following apply:

1. The proposal is in agreement with the language of the Comprehensive Development Guide;
2. There have been major changes of an economic, physical, or social nature in the area involved that were not anticipated by the Comprehensive Development Guide and that have substantially altered the basic character of the area; or that,
3. The existing Zone assigned to the property is inappropriate and the proposed amendment is appropriate.



HOW TO USE THE RECOMMENDED LAND USE PLAN

As development proposals are considered, the three steps in this land use plan should be used to determine if it complies with the comprehensive plan. This process can be used independently by property owners and developers to determine the appropriateness of a development idea and also to identify the expectations that will be placed on any development proposal submitted to the Hardin County Planning Commission. In addition to outlining the three-step process, a series of terms that are used throughout the land use plan are also included in this chapter.

Step 1: Compliance with Community-Wide Development Policies

This step includes a checklist of broad development policies and criteria that are applicable to all types of development within the county. These policies and criteria should be met prior to development occurring.

Step 2: Compliance with the Recommended Future Land Use Patterns

This step is intended to give guidance on the types of development that should occur throughout the county. It includes a map that includes seven general types of development patterns as well as corresponding criteria that relate to the compatible land uses, recommended densities, and recommended intensities of those uses. Additional guidance and criteria are listed to provide guidelines for future development within each of the planning areas of the county.

Step 3: Compliance with the Planning Area Guidelines

This step provides more definition to each geographic area of the county through 29 planning areas. Within each planning area, specific development issues or constraints are outlined and guidelines for development that are specific to each area are included.



ZONE CHANGE STAFF REPORT

Hardin County Planning and Development Commission
150 N. Provident Way, Suite 225
Elizabethtown, Kentucky 42701
(270) 769-5479

Summary: The owner, Steven Caswell and applicant, Heidelberg Materials, are proposing to rezone a ±18.1 acre portion of the 210 acre site located at 428 North Pleasant Hill Road in Upton, KY from Rural Residential (R-2) to Heavy Industrial (I-2) and a Conditional Use Permit for a Crushed Stone/Rock/Gravel Operation to allow for the expansion of the existing rock quarry.

Pre-application Conference: July 18, 2024
Public Hearing Date: October 15, 2024

Owner:
Steven Caswell
428 N Pleasant Hill Road
Upton, KY 42784

Location of Proposed Zone Change:
Site is located 1544.9' from North Pleasant Hill Road at the rear of the existing quarry off Quarry Road in Upton.
Acreage: ±18.1 acre portion of a 210 acre site

Applicant:
Heidelberg Materials
607 Quarry Road
Upton, KY 42784

PVA Parcel Number:
196-00-00-018 (portion of)

Zone Map Amendment Request:
FROM: R-2 (Rural Residential)
TO: I-2 (Heavy Industrial)

Flood Plain: The property is not located within the floodplain according to FEMA Map 21093C510D (dated 16 August 2007).

Land Use Group: Rural Area
Planning Area: South Hardin Area (#23)
Existing Land Uses: Agriculture & Forest
Zoning History: R-2 (Urban Residential) was the original zoning for the subject property since July of 1995 with a ±48 acre portion of the site zoned I-2 (Heavy Industrial) due to leases for the existing quarry operation.

History of the Property:
Steven Caswell inherited the property from his father, Eddie Caswell in 2016. Eddie Caswell purchased the property from Isaiah Caswell in 1977. Isaiah Caswell had purchased the property from C.W. Caswell in 1929.

The Upton Quarry has been in operation since 1914.

Conditional Use Permits:
Conditional Use Permits were previously granted to expand the Quarry in 1991 and 2014.

Adjacent Zoning:
North – R-2, Caswell (210 acres)
South – R-2, Mosawi (28 acres)
East – I-2, Caswell (210 acres)
West – R-2, Caswell (210 acres)

Utility Services:
Electricity is provided via KU. Public water is provided via Green River Valley Water District to the southern side of the existing quarry. HCWD #2 has a 6" line on North Pleasant Hill Road.

Transportation Considerations:
Quarry Road is a county maintained road with no dedicated right-of-way and 20' of pavement width. No access is proposed or shall be permitted from North Pleasant Hill Road.

Wastewater Treatment:
Sewage disposal will be accomplished by On-Site Septic Systems.

KYTC has applied for a Railroad Crossing Elimination Grant to close both of the existing Quarry Road at-grade crossings to build a new grade-separated crossing for Quarry Road.

COMPREHENSIVE PLAN COMPLIANCE

Comprehensive Plan Policy –

STEP 1: Compliance with Community-Wide Development Policies

General Policies:

<i>Development should incorporate the protection of historic and natural resources to preserve the character of the county and protect the natural environment.</i>	There are no environmental features on site.
<i>Development within the floodplain should be avoided.</i>	There is no floodplain on site.
<i>Development in areas adjacent to urban or rural villages should be encouraged, rather than sprawling development throughout the county.</i>	This site is adjacent to the city limits of Upton, with a population of 704 per the 2020 census.
<i>The size and scale of all development should reflect and/or be compatible with the character, density, land uses, and style of surrounding uses.</i>	The proposal is an 18.1 acre expansion of the existing 344 acre rock quarry that has been in operation since 1914.
<i>New development should follow current and anticipated growth trends within the county in order to adequately respond to the needs of current and future residents and businesses.</i>	As outlined in the Hardin County Chamber of Commerce's Regional Impact Study, a population surge of 22,380 is anticipated for Hardin County as part of the growth from the BlueOval SK twin battery plants in Glendale, KY in the next several years. BlueOval SK has been identified as the 10 th largest manufacturing site in the world, and much of the rock to build the facility comes from the Upton Quarry.

Utility and Infrastructure Policies:

<i>New development should be encouraged in areas where public water service is available and can accommodate additional customers (including hydraulic analysis report or wellhead protection).</i>	Hardin County Water District #2 has a 6" line along North Pleasant Hill Road. The southern side of the quarry is served by Green River Valley Water District.
<i>Where the expansion of public utilities is required, this should be the responsibility of developers with public agency participation where increased demand for services is anticipated.</i>	All required utilities including roads, water, wastewater and electricity will be the sole responsibility of the quarry.
<i>Development should comply with all requirements for on-site sewage disposal, if applicable, and use effective, environmentally sound practices when implemented.</i>	Sewage disposal will be accomplished by On-Site Septic Systems that must be approved by the Health Department.

Public Services Policies:	
<i>New development should be encouraged in areas where adequate fire protection services and fire hydrants are available or can be located.</i>	The Upton Volunteer Fire Department is 0.9 miles from the Quarry entrance. The closest fire hydrant is 880' to the north near the Quarry Road railroad crossing onto US 31W.
Road and Access Policies:	
<i>Development should reduce the impacts with minimal access points to public roadways and by providing connectivity within all developments.</i>	No additional entrances are proposed. The existing entrance on Quarry Road will be used for access with no entrance proposed or permitted onto North Pleasant Hill Road.
<i>Development should provide safe access to a public road, including avoiding road hazards, exceeding road capacity, and substantially impacting road function.</i>	KYTC has applied for a Railroad Crossing Elimination Grant to close both of the existing Quarry Road at-grade crossings to build a new grade-separated crossing for Quarry Road.
<i>New development should be allowed only where roadways meet minimum standards or will be improved to meet such standards before completion of the development as outlined in the Zoning Ordinance and Subdivision Regulations.</i>	Quarry Road is a county maintained road with no dedicated right-of-way and 20' of pavement width. No access is proposed or shall be permitted from North Pleasant Hill Road.

COMPREHENSIVE PLAN COMPLIANCE

Comprehensive Plan Policy – Rural Area	STEP 2: Agreement with the Future Land Use Map & Guidelines
The rural areas of the county are, “located at the outer limits of the county, generally at points farthest away from more intense development.” While the quarry is located adjacent to the city limits of Upton, it also borders both Larue County and Hart County.	
The Recommended Land Use Pattern and Development Criteria notes that, “Industrial uses are acceptable, provided they are accessory to existing agricultural operations or are expansions of existing uses”.	
The Comprehensive Plan also states that, “all development activities should preserve and reinforce the existing rural character of the area.”	
Comprehensive Plan Policy – PA #23 South Hardin Area	STEP 3: Compliance with the Planning Area Map & Guidelines
The recommended land use pattern for the South Hardin Planning Area is, “low density rural residential development and agricultural uses”.	The South Hardin Planning Area is a large planning area located in the southernmost portion of the county. It is approximately 63.9 square miles in size and has an average parcel size of over 30 acres.

STAFF REVIEW AND RECOMMENDATION

The Staff finds that the proposed zoning is in agreement with Steps 1, 2, & 3 of the adopted Comprehensive Plan plus the following findings:

- The proposed 18.1 acre site is an expansion of the 344.28 acre existing rock quarry zoned Heavy Industrial (I-2), in operation since 1914,
- The property has access to Quarry Road, a county maintained road with adequate pavement width,
- The property has access to electricity from KY Utilities and water from Hardin County Water District #2 & Green River Valley Water District,
- The property is located in the Rural Area Future Land Use Group and the South Hardin Planning Area,
- The Recommended Land Use Pattern and Development Criteria for the Rural Area notes that, “Industrial uses are acceptable, provided they are accessory to existing agricultural operations or are expansions of existing uses,
- The proposed map amendment to I-2 is found to be in agreement with the language of the Comprehensive Development Guide, 2024 as an expansion of the existing zone.

The Staff recommends that the Zoning Map Amendment, be **APPROVED**.

RESOLUTION 2024-020
MAP AMENDMENT
Rural Residential (R-2) to Heavy Industrial (I-2)

- WHEREAS** the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;
- WHEREAS** the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;
- WHEREAS** the proposed site is located in the Rural Area of Hardin County and within the South Hardin Planning Area (#23);
- WHEREAS** this proposal is a request to rezone the 1995 designation of Rural Residential Zone (R-2) to Heavy Industrial Zone (I-2) for a ±18.1 acre portion of a 210 acre site to allow for the expansion of the existing rock quarry.

NOW THEREFORE, BE IT RESOLVED, by the Hardin County Planning and Development Commission that the request for a Map Amendment for property owned by Steven Caswell and an applicant of Heidelberg Materials known as a portion of PVA #196-00-00-018 and identified as being ±18.1 acres located 1544.9' east of North Pleasant Hill Road, Upton, KY, be granted a zone change from the existing Rural Residential Zone (R-2) to the Heavy Industrial Zone (I-2), based on the following findings and compliance with the policies and goals of the Comprehensive Plan:

With the appropriate portions of the Development Guidance System, Zoning Ordinance and the Comprehensive Development Guide, 2024 the testimony provided by staff and those in attendance at the public hearing, the Planning Commission hereby adopts the attached Staff Report and it is determined that the proposed I-2 Zone is in agreement with the Comprehensive Plan's following Policies, Goals & Objectives:

Step 1:	Community Wide Development Policies
Step 2:	Land Use Plan Group: Rural Area
Step 3:	Planning Area: South Hardin (#23)

Goal 4: CONSERVATION & ENVIRONMENT: Encourage development that is sensitive to the environment, non-renewable resources, prime farmland, and natural areas that reinforces the county's rural character and promotes the utilization of existing community resources.

Objective 4.4: Balance the need for mineral extraction with the potential impacts to adjacent properties and the natural environment.

Goal 5: ECONOMIC DEVELOPMENT: Create opportunities for commerce and industry that support a broad range of workforce opportunities, increase the quality of life, and capitalize on the region's lower cost of living.

Objective 5.4: Provide adequate space for the proper location of commercial and industrial land.

Objective 5.9: Promote the expansion of existing businesses and industries within Hardin County.

ADOPTED THIS FIFTEENTH DAY OF OCTOBER 2024.

MOTIONS

I make a motion to **Approve** the proposed Zoning Map Amendment based upon:

- the testimony provided by Staff and those in attendance at the Public Hearing
- I hereby adopt the Staff Report and the exhibits entered in as the Record
- To adopt Resolution 2024-020 as presented

The proposed Map Amendment from R-2 to I-2 is in Agreement with the 3 Step Process as outlined in the Comprehensive Plan and the following Goals & Objectives.

Step 1:	Community Wide Development Policies
Step 2:	Land Use Plan Group: Rural Area
Step 3:	Planning Area: South Hardin (#23)

Goal 4: CONSERVATION & ENVIRONMENT: Encourage development that is sensitive to the environment, non-renewable resources, prime farmland, and natural areas that reinforces the county's rural character and promotes the utilization of existing community resources.

Objective 4.4: Balance the need for mineral extraction with the potential impacts to adjacent properties and the natural environment.

Goal 5: ECONOMIC DEVELOPMENT: Create opportunities for commerce and industry that support a broad range of workforce opportunities, increase the quality of life, and capitalize on the region's lower cost of living.

Objective 5.4: Provide adequate space for the proper location of commercial and industrial land.

Objective 5.9: Promote the expansion of existing businesses and industries within Hardin County.

I make a motion to **Deny** the proposed Zoning Map Amendment based upon:

- the testimony provided by Staff and those in attendance at the Public Hearing

The proposed Map Amendment from R-2 & I-2 is **NOT** in Agreement with the 3Step Process as outlined in the Comprehensive Plan.

CONDITIONAL USE PERMIT

Election Form

Please indicate below how you wish to proceed with your Application for a Conditional Use Permit by initialing your election. Check only one.

Option 1:

I wish for my Application for a Conditional Use Permit to be heard and decided by the Planning Commission in the same hearing as the Application for a Zoning Map Amendment. I am waiving the option of having the Conditional Use Permit hearing in a separate hearing by the Board of Adjustment.

Tyler Gilreath
Applicant Name

July 19, 2024
Date

Tyler Gilreath
Applicant signature

Option 2:

I wish for my Application for a Conditional Use Permit to be heard and decided by the Board of Adjustment in a hearing which is separate from the hearing on my Zoning Map Amendment with the Planning Commission. I am waiving the option of having both my Application for a Zoning Map Amendment and my Application for a Conditional Use Permit in the same hearing in front of the Planning Commission.

Applicant Name

Date

Applicant signature



LEGAL NOTICE

NOTICE OF INTENTION TO MINE NON-COAL MINERALS

Pursuant to Application Number 047-9403, Amendment 11 in accordance with KRS 350.055, notice is hereby given that Heidelberg Materials Midwest Agg, Inc., Upton Quarry, 607 Quarry Road, Upton, KY 42784, intends to apply for an amendment to its noncoal surface mining permit for limestone affecting 16.2 additional acres for a total of 366.7 acres located one mile south of Upton in Hardin County. The proposed operation is approximately 0.75 miles south from Quarry Rd junction with S Walnut St (31W) and located 0.75 miles north of the Hardin/Hart County line. The latitude is 37°27'03". The longitude is 85°53'30". The proposed operation is located on the Upton U.S.G.S. 7 1/2 minute quadrangle map. The operation will use the pit method of mining. The surface area is owned by Steven Caswell. The existing operation is within 100 feet of Quarry Road. The application will be on file for public inspection at the Division for Mine Reclamation and Enforcement, Frankfort Office, 300 Sower Blvd, Frankfort, KY. Written comments, objections, or request for a permit conference must be filed with Director, Division for Mine Reclamation and Enforcement, Frankfort Office, 300 Sower Blvd, Frankfort, Kentucky 40601, within 15 days of the date of this advertisement and briefly summarize the issues to be raised at the conference. 405 KAR 5:032 Sec. 21

(1) A prospective applicant for a new permit required under KRS 350, shall publish at least once, a public notice of his intention to file an application for that permit. The publication shall be made by advertisement in the newspaper of largest bona fide circulation, in the county wherein the proposed mining site is in more than one (1) county, publication is required in the newspaper of largest bona fide circulation in each county.

(2) The publication shall be made not less than (10) nor more than (30) thirty days prior to the filing of the permit application with the Department. (3) The public notice of the intention to file an application shall be Entitled "Notice of Intention of Mine Non-Coal Minerals," and shall be in the manner and form prescribed by the department and shall include, though not be limited to, the following: (a) Name and address of the applicant; (b) Permit application number; (c) The location of the proposed mining site. (d) A brief description of the kind of mining activity proposed, together with a statement. (3) The applicant for a new permit required by KRS 350, shall establish the date and place at which the "Notice of Intention to Mine Non-Coal Minerals," was published, by attaching to his application proof satisfactory to the cabinet of the time, place, and content of the published notice.



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Conditional Use Permits for Crushed Stone / Sand / Gravel Operation

Permit Date	Owner	PVA Map Number	Type	Zone	Project / Subdivision Name	Request	Site Address	Status
08/28/2024	CASWELL STEVEN E	196-00-00-018,197-00-00-013, 197-00-00-014, 197-00-00-006.06, 197-00-00-012	CONDITIONAL USE PERMIT (AMENDED)	R-2 - RURAL RESIDENTIAL ZONE	UPTON QUARRY	TO ALLOW FOR A 18.1 ACRE EXPANSION OF AN EXISTING QUARRY OPERATION	607 QUARRY ROAD	PENDING
08/11/1993	BUCHANAN REBA - ETAL-	148-00-00-010; 011; 012	CONDITIONAL USE PERMIT	R-2 - RURAL RESIDENTIAL ZONE	VULCAN MATERIALS COMPANY	TO ALLOW FOR STONE QUARRY AND PROCESSING	LEITCHFIELD ROAD	APPROVED
02/07/1992	BUCHANAN REBA - ETAL-	148-00-00-010; 011	CONDITIONAL USE PERMIT	R-2 - RURAL RESIDENTIAL ZONE	VULCAN MATERIALS COMPANY	TO ALLOW FOR STONE QUARRY AND PROCESSING	LEITCHFIELD ROAD	APPROVED
10/27/2014	WILLIAM AND JUDITH LIVELY	197-00-00-012;197-00-00-006.06	CONDITIONAL USE PERMIT (AMENDED)	I-2 - HEAVY INDUSTRY ZONE	Hanson Aggregates	Conditional Use Permit to allow for a Crushed Stone, Sand, & Gravel Operation to allow for the Hanson Quarry in Upton.	607 Quarry Road	APPROVED
01/24/2014	JAMES JENKINS & JOYCE GARDNER	199-00-00-006	CONDITIONAL USE PERMIT	R-1 - URBAN RESIDENTIAL ZONE	CRUSHED STONE, SAND AND GRAVEL OPERATION /	AN EXPANSION OF THE EXISTING QUARRY	1498 MT ZION ROAD	EXPIRED
08/02/2012	LEON AND ROGER MINK	106-00-00-045	CONDITIONAL USE PERMIT (AMENDED)	I-2 - HEAVY INDUSTRY ZONE	MINK BROTHERS SAND, GRAVEL OPERATION /	CONSIDERATION TO MAKE CONDITIONAL USE PERMIT TRANSFERABLE UPTON SALE OF PROPERTY	11879 LEITCHFIELD ROAD (US 62)	APPROVED
03/23/2012	LEON AND ROGER MINK	106-00-00-045	CONDITIONAL USE PERMIT	I-2 - HEAVY INDUSTRY ZONE	MINK BROTHERS SAND, GRAVEL OPERATION /	TO EXPAND THE CRUSHED STONE, SAND AND GRAVEL OPERATION	11879 LEITCHFIELD ROAD (US 62)	APPROVED

Records 1 to 7 (of 7)

7 Total: 5 Approved, 1 Pending, 1 Expired

1991 CUP

Pursuant to Section 100.237 of the Kentucky Revised Statutes and Section 3.101 of the Hardin County Development Guidance System, and upon the determination that such an action is justified, the Hardin County Planning and Development Commission, hereinafter referred to as Commission, issues this Conditional Use Permit to Judith Lively, 453 Quarry Road, Upton, KY 42784.

Authorization is granted for the use of a \pm 155.0 acre site located on the west side of Quarry Road approximately 500 feet north of the Hart County line, for the following uses and Standard Industrial Classifications: limestone quarry expansion (SIC 1422).

This tract is more precisely defined as being a portion of that land described in deed book 126 page 132 in the Hardin County Clerk's office, and by property identification number 197-00-00-012 in the Hardin County Property Valuation Administrator's office.

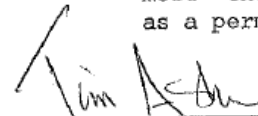
According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System, and the proceedings before the Commission, the following conditions are placed on this Conditional Use Permit and the use of this land.

1. Site development shall be completed as shown on the approved plot plan or record plat. No changes shall be made in this regard without the written approval of the Commission.
2. Development of this site shall conform to the standards included in Article 6 of the Hardin County Development Guidance System.
3. All building activities shall conform to provisions of the Kentucky Building Code. Building and electric permits shall be acquired prior to the commencement of construction or alteration efforts.
4. All development activities shall be completed within the time limits prescribed by the Hardin County Development Guidance System, the Kentucky Building Code, or the Commission.
5. Expansion of the approved use(s) on this site shall take place only within the guidelines established by Section 3.10(5) of the Hardin County Development Guidance System.
6. Activities identified as Prohibited Uses in Section 3.102 of the Hardin County Development Guidance System shall not be permitted on this site.

Beyond these conditions, the requirements of Section 100.237 of the Kentucky Revised Statutes shall be met; specifically subsections (4) and (5), to wit:

4. The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the Commission. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the Commission. The Commission shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Commission finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Commission may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

5. Once the Commission has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.



Administrative Official
for Hardin County Planning
and Development Commission

5/23/91

Date

2015 CUP

1. Hanson will maintain a permanent undisturbed buffer of natural vegetation 100 feet in width along the perimeter of the Subject Property. In addition a further 50 feet will be left from the undisturbed buffer to the limit of excavation making the total set back from the property line 150 feet. This additional 50 feet will be used for a perimeter road around the quarry amongst other things. There shall be no mining within 1,000 feet of any residence located on adjoining property in Hardin County, KY as of the approval date of this project.
2. Hanson shall maintain all property set back requirements as set forth in the Hardin County Development Guidance System Zoning Ordinance, 2009, for property zoned Heavy Industrial I-2.
3. Hanson will install fencing along the boundary of the Subject Property in areas where adequate fencing is not present or is in disrepair. Fencing will be at least 50 inches high and consist of woven wire with two strands of barbed wire. "No Trespassing" signs will be posted at the outer perimeter of the 100 foot undisturbed buffer of the Subject Property at the appropriate distance apart.
4. Quarry operations shall be limited to the area identified on the development plan as "Existing Mining Area" or "Future Mining Area".
5. Hanson shall maintain one monitoring well on the rezoned property, and shall measure groundwater levels weekly. The groundwater measurements will be recorded and be available for inspection by the Hardin County Planning Director at Upton Quarry.
6. Hanson will not blast or excavate limestone below an elevation of 735 msl in the west of the Subject Property or an elevation of 630 msl in the east of the Subject Property.
7. Hanson will implement a Water Well Replacement – Arbitration Program, the details of which are explained in the Appendix. Hanson shall deliver a copy of the Program to all Hardin County residents who reside within 2500 feet of the limit of the excavation of the quarry on the Subject Property.
8. Blasting shall only occur Monday through Friday between the hours of 9:00 am and 4:00 pm on the Subject Property. Only in the case of an emergency will blasting take place outside these hours. An example of such an emergency would be blasting that is delayed by thunderstorms which could pose a serious threat to our employees. Leaving the blast undetonated in the ground overnight is a federal offense.
9. Hanson shall maintain two (2) seismograph monitors to monitor ground vibration at the closest residences to the then-current blasting area. The seismograph records shall be maintained at Upton Quarry for the prior three years and be available for inspection by the Hardin County Planning Director during normal business hours.

10. Hanson will implement a Pre-Blast Survey and Damage Arbitration Program, the details of which are explained in the Appendix. Hanson shall deliver a copy of the Program to all Hardin County residents who reside within 2500 feet of the limit of the excavation of the quarry on the Subject Property.
11. All blasting and the use of explosives will be conducted in accordance with the regulations set forth by the Kentucky Department of Mines and Minerals, Division of Explosives and Blasting (pursuant to the authority of KRS 351.310 to 351.340 and 351.990) and in accordance with the Standard of Safety for Explosives, for the State of Kentucky, prepared by Department of Public Safety, Division of Fire Prevention.
12. Hanson shall limit its normal operating hours on the Subject Property to Monday through Friday with pit operations not commencing before 7:00 am and not extending beyond 7:00pm. On Saturdays operating hours will be 7:00 am to 1:00 pm. On Sunday no pit operations will take place although maintenance of equipment may take place.
13. When Hanson is supplying materials to a customer who is working on a KYDOT approved contract which includes the right to work extended hours including at night, Hanson shall be allowed to operate 24 hours per day during the term of the contract. Prior to the commencement of extended hours Hanson shall inform the Hardin County Planning Director of its proposed extended hours work schedule.
14. When Hanson is required to work extended hours on the Subject Property portable lighting units will be used to supply light at the quarry faces in order to provide employees a safe working environment. These lights are some 100 feet below ground level and will not be visible from surrounding properties.
15. In order to reduce the audible noise levels emanating from the quarry operations on the Subject Property Hanson will install U.S. Department of Labor, Mine Safety and Health Administration approved low frequency or strobe light back up alarms on all mobile equipment within six (6) months of the issuance of the Conditional Use Permit.
16. Following a blast and prior to loading the broken limestone at the quarry face the broken limestone is wetted down by the water truck which has a water cannon mounted on it for this purpose. Wetting the limestone helps reduce fugitive dust during the loading process. In addition the water truck is used to water all internal haul roads on a regular basis to reduce fugitive dust generated by the movement of mobile equipment within the quarry.
17. Hanson will maintain the Subject Property as a non-discharge site and will route all stormwater generated with the disturbed portions of the quarry to the existing stormwater and process water ponds located on the property.

18. An Amended Development Plan shall be submitted and approved by the Planning Commission.

19. Temporary Vegetation in compliance with the County's Erosion Prevention & Sediment Control Ordinance shall be implemented in areas that are not active for a period of five (5) years.

20. This Conditional Use Permit is issued to the current property owners/leasee, Hanson Aggregates and is transferable upon a review of the application by the Board with any new owners.

21. A Best Management Practices Plan must be submitted and approved by the Hardin County Engineer & Planning Commission that includes a "Groundwater Protection Plan, Stormwater Management Plan and an Emergency Response Plan.


Beyond these conditions, the requirements of Section 100.237 of the Kentucky Revised Statutes shall be met; specifically subsections (4) and (5), to wit:

4. The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the Board of Adjustments. The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.


5. Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.


William Lively, Owner

03-12-2015
Date


Judith Lively, Owner

03-12-2015
Date


Hanson Aggregates, (Representative)

3-12-2015
Date

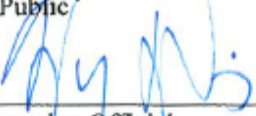
COMMONWEALTH OF KENTUCKY
COUNTY OF HARDIN

I, the undersigned Notary Public, do hereby certify that the foregoing instrument was delivered and acknowledged before me in Hardin County, Kentucky. I further certify that the above signature(s) (is, are) legal and (has, have) been executed voluntarily on this date, to the best of my knowledge and belief.

Witness my hand this 12th day of March, 2015.


Notary Public

April 28, 2016
My Commission Expires


Administrative Official
Hardin County Planning and
Development Commission

3-12-2015
Date

Proposed changes to Conditions

Attachment to Conditional Use Application:

Changes are requested for Items 12, and 13 of the current CUP (dated 1/8/2015) and update of CUP owner name from Hanson to Heidelberg Materials Midwest Agg, Inc. (Heidelberg):

#12: Hanson shall limit its normal operating hours on the Subject Property to Monday through Friday with pit operations not commencing before 7:00 am and not extending beyond 7:00 pm. On Saturdays operating hours will be 7:00 am to 1:00 pm. On Sunday no pit operations will take place although maintenance of equipment may take place.

Proposed change:

*Hanson shall limit its normal operating hours on the Subject Property to Monday through Friday with pit operations not commencing before ~~7:00 am~~ **6:00am** and not extending beyond 7:00 pm. On Saturdays operating hours will be ~~7:00 am~~ **6:00am** to 1:00 pm. On Sunday no pit operations will take place although maintenance of equipment may take place.*

#13: When Hanson is supplying materials to a customer who is working on a KYDOT approved contract which includes the right to work extended hours including at night, Hanson shall be allowed to operate 24 hours per day during the term of the contract. Prior to commencement of extended hours Hanson shall inform the Hardin County Planning Director of its proposed extended hours work schedule.

Proposed change:

*When Hanson is supplying materials to a customer who is working on a ~~KYDOT~~ approved contract which includes the right to work extended hours including at night, Hanson shall be allowed to **operate perform crushing operations** 24 hours per day during the term of the contract. Prior to commencement of extended hours Hanson shall inform the Hardin County Planning Director of its proposed extended hours work schedule.*

Groundwater Table Elevation and Safe Quarry Excavation Limit Assessment

Location: Upton Quarry – Heidelberg Materials

Prepared by: Jack W. Griffin, P.E.

Date: 11/14/2024

Objective

This assessment aims to determine a groundwater table elevation for a quarry site south of Upton, Kentucky, located near the Hardin and Hart County border. The quarry is considering excavation down to an elevation of 640 feet. The goal is to evaluate the groundwater impact at this depth and recommend safe operational measures.

Data Summary

The following groundwater elevation data points were recorded at various distances and directions from the site:

Water Wells, KGS Data	Distance from Site	Direction	Groundwater Elevation (ft)
00019250	0.5 miles	East	665
00044638	0.5 miles	East	665
00019238	1.0 miles	East	633
00053953	0.8 miles	North	625
00044618	1.5 miles	East	695
00019723	2.0 miles	Northwest	660
40000098	0.2 miles	Northeast	650
00029008	1.2 miles	Southwest	645
00057365	1.0 miles	South	634

*Note: Distances are to active quarry pit limits

Based on taking an average of the water level elevations from the KGS data presented, the average groundwater elevation in the area surrounding the quarry site is approximately **652.4 feet**.

The surrounding area is characterized by potential karst features, and the observed core losses below certain depths support this concern:

- Below 700 feet: Minor core losses suggest initial groundwater contact.
- Below 650 feet: Greater than 10% core loss, indicating significant groundwater influence and possible karst-related voids.

Based on these observations, excavation or blasting operations **below 640 feet** could risk intersecting groundwater or unstable karst features, which may lead to water inflow, equipment challenges, and safety concerns.

The proposed excavation depth of **640 feet** would extend approximately **12 feet below the average groundwater table**. This depth increases the likelihood of encountering groundwater, as well as the possibility of intersecting unstable karst features or voids. Core loss data below 650 feet further support this, showing structural weaknesses potentially due to groundwater saturation or dissolution effects.

Engineering and Mitigation Measures

To safely proceed with excavation to 640 feet, the following measures are recommended:

- Dewatering wells installed around the excavation perimeter can help lower the local groundwater table, reducing inflow.
- A drainage and pumping system is essential to manage continuous groundwater inflow.
- Grouting or similar techniques may be needed if voids or highly weathered zones are found, particularly in karst-affected areas.
- Detailed subsurface geophysical surveys can locate and map any karst features or voids, allowing for strategic excavation adjustments.
- A hydrogeological assessment can provide insight into groundwater behavior at the target depth, supporting both water management and regulatory compliance.

Conclusion and Recommendation

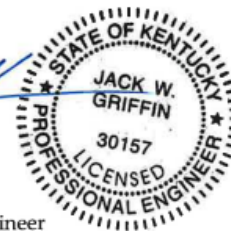
The proposed excavation depth of **640 feet** may involve groundwater and karst-related risks. It is recommended to implement dewatering, drainage, and stabilization strategies as mining continues to progress. Continuous hydrogeological and geotechnical monitoring are recommended to help guide excavation progress to ensure safety and regulatory compliance.

If you have any questions or concerns, please contact me by email at jgriffin@synterracorp.com or phone number 859-810-2933 ext. 933.

Regards,
SynTerra Corporation



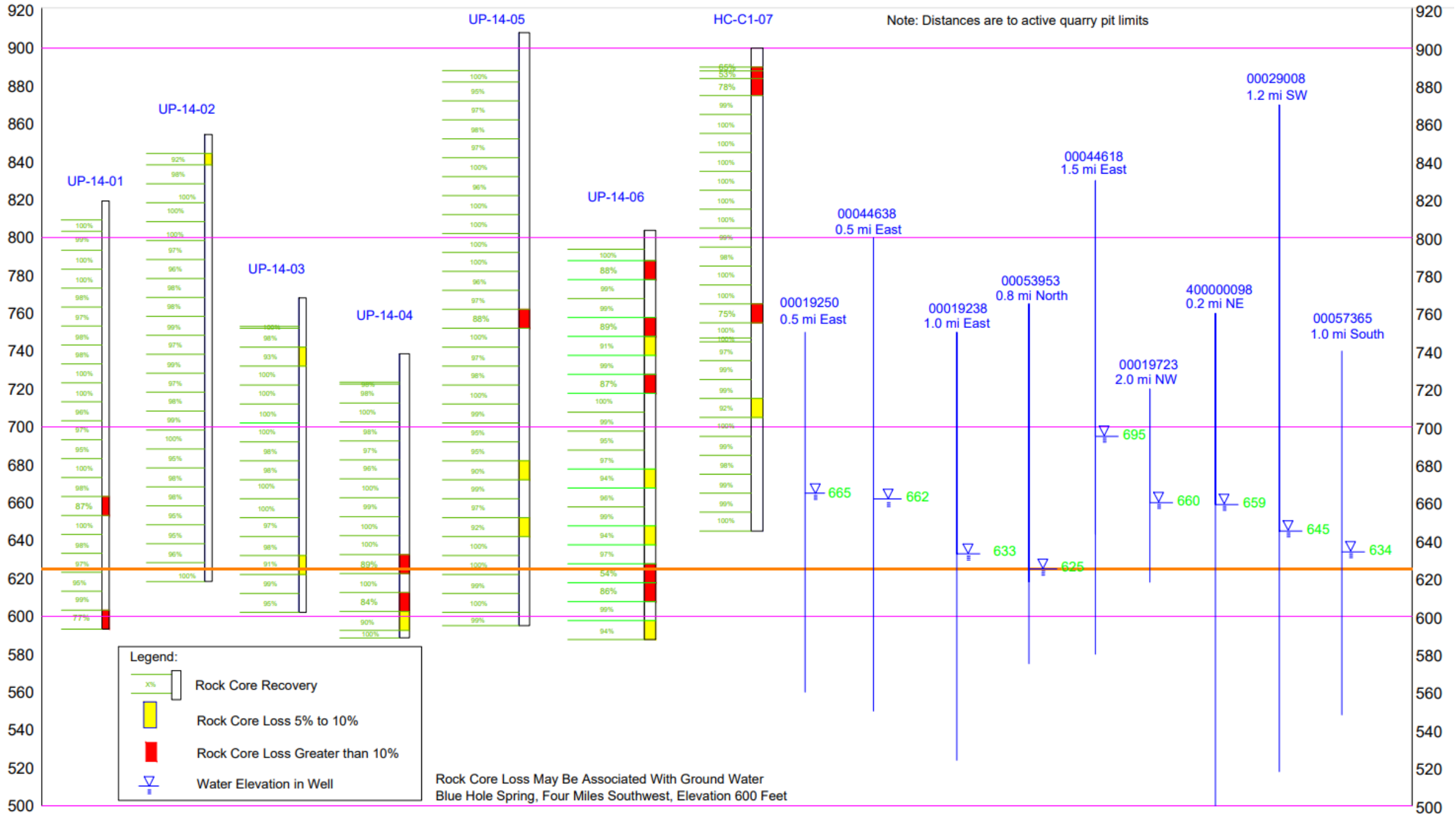
Jack W. Griffin, P.E.
Senior Geotechnical Engineer




11-14-2024

ROCK CORE HOLES

WATER WELLS, KGS DATA





- LEGEND:**
- Upton City Limits: - - - - -
 - County Line: - . - . -
 - Mine Permit Boundary: _____
 - Proposed Area: _____
 - Scotty's Lease Line: _____
 - Current Pit Extents: 
- Depth of Hole: DEPTH: ###.00
 Surface Ground Elevation: ###.##
 Core Hole ID: UP-##-##

- 19723

53953

PLEASANT HILL RD

Permit Center

4000098

19238

44618

19250

GROUND WATER FLOW


HARRIS COUNTY
HART COUNTY

LARUE COUNTY
HART COUNTY

29008


57345

Blue Hole Spring Information
 Coordinates: 114.450217N, 86.2244217W
 Approx. Elevation: 107 feet (32.6 meters)
 2022/04/26/2024/04/26
 Pleasant Hill Spring



170 TURNER COMMONS WAY, SUITE 120
 LEXINGTON, KENTUCKY 40511
 (859) 233-2103

DRAWN BY: RFP	DATE: 10/16/2024
CHECKED BY: RFP	DATE: 10/16/2024
PROJECT MANAGER: RFP	



UPTON QUARRY
 PERMIT NO.047-9403

CORE HOLE AND WATER
 WELL LOCATIONS

DRAWING	SHEET	REVISION
	1 OF 2	

16-3 STANDARDS FOR ISSUANCE

The Board of Adjustment shall issue a CUP only after all of the following standards satisfy the language of the Ordinance:

- A. The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- B. The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- C. The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- D. The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- E. The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- F. The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

GENERAL CONDITIONS In granting any Conditional Use Permit, the Board shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements set out in the Zoning Ordinance and that it will continue to so do. Such conditions may include, but are not limited to the following:

- A. Secure a financial security to insure completion or construction of imposed conditions;
- B. Reasonable time limits may be imposed to insure completion of the project in question or any individual components of the project, if none are established, the project shall be complete in one year;
- C. Conditions may be imposed to abate or restrict noise, smoke, dust, light, or other elements that may affect surrounding properties;
- D. Establish building setbacks and yard requirements necessary for orderly expansion and to prevent traffic congestion;
- E. Provide for adequate parking and ingress and egress to public streets and roads;
- F. Provide the adjoining property with a buffer or shield from view of the proposed use;
- G. Establish minimum dwelling unit square foot requirements in order to protect property values;
- H. Establish Hours of Operation for businesses and commercial activities;
- I. Establish limits as to the scope and intensity of activities conducted under the Conditional Use Permit;
- J. Establish time limits for the Conditional Use Permit at which time the permit shall expire or require renewal;
- K. Conditional Uses shall comply with all applicable standards of the Zoning Ordinance, including the parking, landscape, lighting and signage regulations. Additional standards may be included in the listed requirements for a particular use;
- L. All other plans, licenses, permits and documentation from/for other agencies may be required by the Board.

Conditions may include, but are not limited to the following:

DGS [5-3(A)]

I make a Motion to Approve the Conditional Use Permit with the Following Conditions:

Based on the Staff Presentation and the Testimony presented in the Public Hearing and that it satisfies the Standards for Issuance outlined in the Development Guidance System, Zoning Ordinance 16-3.

1. Heidelberg will maintain a permanent undisturbed buffer of natural vegetation 100 feet in width along the perimeter of the Subject Property. In addition a further 50 feet will be left from the undisturbed buffer to the limit of excavation making the total set back from the property line 150 feet. This additional 50 feet will be used for a perimeter road around the quarry amongst other things. There shall be no mining within 1,000 feet of any residence located on adjoining property in Hardin County, KY as of the approval date of this project.
2. Heidelberg shall maintain all property set back requirements as set forth in the Hardin County Development Guidance System Zoning Ordinance, 2009, for property zoned Heavy Industrial I-2.
3. Heidelberg will install fencing along the boundary of the Subject Property in areas where adequate fencing is not present or is in disrepair. Fencing will be at least 50 inches high and consist of woven wire with two strands of barbed wire. “No Trespassing” signs will be posted at the outer perimeter of the 100 foot undisturbed buffer of the Subject Property at the appropriate distance apart.
4. Quarry operations shall be limited to the area identified on the development plan as “Existing Mining Area” or “Future Mining Area”.
5. Heidelberg shall maintain one monitoring well on the rezoned property, and shall measure groundwater levels weekly. The groundwater measurements will be recorded and be available for inspection by the Hardin County Planning Director and/or County Engineer at Upton Quarry.
6. Heidelberg will not blast or excavate limestone below an elevation of 735 msl in the west of the Subject Property or an elevation of 630 msl in the east of the Subject Property.
7. Heidelberg will implement a Water Well Replacement – Arbitration Program, the details of which are explained in the Appendix. Heidelberg shall deliver a copy of the Program to all Hardin County residents who reside within 2500 feet of the limit of the excavation of the quarry on the Subject Property.

8. Blasting shall only occur Monday through Friday between the hours of 9:00 am and 4:00 pm on the Subject Property. Only in the case of an emergency will blasting take place outside these hours. An example of such an emergency would be blasting that is delayed by thunderstorms which could pose a serious threat to our employees. Leaving the blast undetonated in the ground overnight is a federal offense.

9. Heidelberg shall maintain two (2) seismograph monitors to monitor ground vibration at the closest residences to the then-current blasting area. The seismograph records shall be maintained at Upton Quarry for the prior three years and be available for inspection by the Hardin County Planning Director and/or County Engineer during normal business hours.

10. Heidelberg will implement a Pre-Blast Survey and Damage Arbitration Program, the details of which are explained in the Appendix. Heidelberg shall deliver a copy of the Program to all Hardin County residents who reside within 2500 feet of the limit of the excavation of the quarry on the Subject Property.

11. All blasting and the use of explosives will be conducted in accordance with the regulations set forth by the Kentucky Department of Mines and Minerals, Division of Explosives and Blasting (pursuant to the authority of KRS 351.310 to 351.340 and 351.990) and in accordance with the Standard of Safety for Explosives, for the State of Kentucky, prepared by Department of Public Safety, Division of Fire Prevention.

12. Heidelberg shall limit its normal operating hours on the Subject Property to Monday through Friday with pit operations not commencing before 6:00 am and not extending beyond 7:00pm. On Saturdays operating hours will be 6:00 am to 1:00 pm. On Sunday no pit operations will take place although maintenance of equipment may take place.

13. When Heidelberg is supplying materials to a customer who is working on a contract which includes the right to work extended hours including at night, Heidelberg shall be allowed to perform crushing operations 24 hours per day during the term of the contract. Prior to the commencement of extended hours Hanson shall inform the Hardin County Planning Director and/or County Engineer of its proposed extended hours work schedule.

14. When Heidelberg is required to work extended hours on the Subject Property portable lighting units will be used to supply light at the quarry faces in order to provide employees a safe working environment. These lights are some 100 feet below ground level and will not visible from surrounding properties.

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