

BOARD OF SUPERVISORS MEETING

October 7, 2008

A meeting of the Campbell County Board of Supervisors continued from October 6, 2008 reconvened on the 7th day of October, 2008 at 7:00 p.m. in the Rustburg High School Auditorium, Rustburg, Virginia. The members present were:

Hugh T. Pendleton, Jr., Chairman, Presiding	Rustburg Election District
Charles W. Falwell	Timberlake Election District
Stanley I. Goldsmith	Altavista Election District
Eddie Gunter, Jr.	Concord Election District
J. D. Puckett	Brookneal Election District
Hugh W. Rosser	Seneca Election District
Steven M. Shockley	Sunburst Election District

R. David Laurell, County Administrator
Clifton M. Tweedy, Deputy County Administrator
David W. Shreve, County Attorney
Kristin B. Wright, Staff Attorney

Chairman Pendleton called the meeting to order at 7:00 p.m. He thanked Denton Sisk, Principal of Rustburg High School, and his staff for graciously accommodating the Board, staff and citizens to make this a comfortable meeting. He also thanked Administrator Laurell and staff for their work in organizing the meeting.

Administrator Laurell brought the Board's attention to the studies provided by Boxley at the request of Supervisor Goldsmith. These include an Impact Study on the Quarry Operation's Effect on Real Estate Values dated December 1, 2002, Social, Economic and Legal Consequences of Blasting in Strip Mines and Quarries dated May 1981, Impact of Rock Quarry Operations on Value of Nearby Housing dated August 24, 1987 and Do Rock Quarry Operations Affect Appreciation Rates of Residential Real Estate dated April 4, 1996.

The same public hearing rules would be followed on this evening. There were three people who signed up the previous evening who could not attend this meeting, but have sent people to speak for them. At this time public comment continued for:

PUBLIC HEARING – REQUEST BY BOXLEY MATERIALS COMPANY, REZONE
488 ACRES WITH SPECIAL USE PERMIT TO CONSTRUCT AND OPERATE
ROCK QUARRY, COLONIAL HIGHWAY NEAR EVINGTON

09-00048 Request by Boxley Materials Company to rezone approximately 353.23 acres (as amended) from A-1 Agricultural and R-SF Residential-Single Family to I-H Industrial-Heavy with a concurrent special use permit request to construct and operate a rock quarry. The property is located on Colonial Highway, approximately one and one-half miles east of Evington, Virginia in a designated transitional growth area per the current Comprehensive Plan.

Debbie Neighbors, 2221 New Chapel Road, Rustburg, Virginia, was opposed to the new quarry because water was becoming a scarce natural resource. She pointed out the Board of Supervisors requested drought relief on August 18, 2008. The Bible predicted many droughts and other woes in these end times. In 15 years how many more County residents would be added to the public water line because wells have dried up? How sure was the County's water source and could it handle the community of Evington if needed? Boxley would use up to 55,000 gallons of water a day. She felt it was irresponsible to allow them into an area that already had a declining water table, and the Board should ask themselves if they were being good stewards of the water resources. Money was not as important as the people and land they were entrusted to protect.

John Supernaw, 1161 Brookwood Drive, Evington, Virginia, was speaking for the Citizens for Environmental Protection. He stated that Boxley's Groundwater Protection Plan

included a contingency fund that could not be offered as a proffered condition and therefore outside the power of the Board to enforce. He wondered who would pay for the three member oversight board or public water connections if needed and if the burden of proof would fall to the homeowner. Boxley's sentry well program was useless should fast fracture occur in the rock they seek to mine. Fast fracture could open flow paths capable of dewatering large areas across the crack face that would not be detected by the sentry wells due to the dense nature of the rock. Mr. Supernaw commented that Evington had a strong agricultural presence, and the need for surface/near surface water for crop irrigation and livestock was just as great a concern as wells. No remediation for this loss of water had ever been addressed. He also feared there would not be enough governmental oversight on emissions and other potential dangers such as asbestos and uranium. His other concern was that if the Boxley Company failed, who would be responsible for cleaning up any environmental effects from the facility.

Tom Roller, 2612 Oak Hill Lane, Roanoke, Virginia, wanted to read a letter from Dean Harbour who was on the speaker's list, but could not be present that evening. "My name is Dean Harbour, 124 Quail Road, Lynchburg, and I am here to speak on behalf of the quarry and will be addressing the concerns about truck safety associated with the proposed quarry operation. I retired two years ago as a Virginia State Police Master Trooper. 24 of my 28 years of service were dedicated to motor carrier safety and hazardous material enforcement. During my tenure, I was an instructor of motor carrier regulations for the Federal Motor Carrier Administration and taught law enforcement personnel throughout the county. I helped develop the course curriculum and served as a member of the Commercial Vehicle Safety Alliance. I came to Campbell County in 1987 and during those almost 20 years here I conducted inspections on practically every motor carrier in the 15 county area. I cannot recall ever receiving complaints of reference to the trucks going in and out of the quarries in this area. The trucks that are hauling are primarily dump trucks. By law, the quarry is not allowed to allow trucks to leave if they are overloaded. Each truck passes through a scale before leaving the quarry. Truck weights are checked by VDOT personnel and the maximum allowable weight is displayed on the trucks. The average weight is between 60,000 to 66,500 lbs. The Federal Motor Carrier Administration posts information via their website for the public on all interstate motor carriers. They show that in 2007, Boxley as a company had 968,055 miles recorded. They had 14 inspections in the prior 24 months as of 10-1-2008. Out of those 14 inspections there was Zero out of service violations.

Thompson Trucking as a company recorded 14,075,709 miles in 2007 with 183 trucks. In the past 24 months as of 10-1-2008, they had 141 vehicle inspections and 187 driver only inspections. The national average for vehicle Out of Service violations is 23.14%. The Thompson average is 11.3%. This can be as minor as a turn signal being out. The national average for driver Out of Service is 6.8%. The Thompson average is 1.6%. As you can see, Thompson has an excellent record, especially for traveling over 14 million miles.

School bus safety has been voiced as a concern. So we asked VDOT to provide the accident record going back 10 years on roads that pass by Boxley's Mt. Athos, Lawyers Road and Piney River quarries. In 10 years, the records show there have been Zero accidents between trucks and school buses. When I started with the motor carrier enforcement, there were problems with some carriers, but with inspections and insurance regulations, the bad actors are out of business. As far as the safety of the trucks and drivers, the trucking industry is more regulated than any other business. Driver's must obtain a special license called a CDL. In order to obtain and keep a CDL, the driver must have a good driving record. Both Boxley and Thompson Trucking enjoy excellent safety records. The community is fortunate to have these two companies."

Virginia Fitch West, 316 Abners Road, Evington, Virginia, was representing the Evington Road Commission. She referred to testimony heard the previous evening from a retired VDOT worker hired by Boxley. He said Route 24 was suitable for the weight and traffic of up to 300 trucks per day and that Route 24 would be resurfaced two times over the next 15 years. She was not sure who to believe because she and Dom Dimuro met with Don Austin, Residency Administrator, who told them no funding was budgeted for road improvements. Mr. Austin stated that Route 24 would only be patched and maintained and was not up to current standards. The base was not strong enough, and there were no shoulders. Route 24 was first hard surfaced in 1970 and six layers of asphalt have been added over 38 years which did not bring it up to today's standards. As to the Flat Creek Bridge, they were told by other VDOT officials the bridge was obsolete and too narrow by 17 feet. When the VDOT representative was asked what would happen if a school bus and a gravel truck met at the bridge, he said he would

not want to think about that because they would not fit. She cautioned the Board when they listened to testimony by professionals paid by Boxley.

Wendy Tuck, 566 Chapel Grove Road, Evington, Virginia, was representing Animal Lovers. Ms. Tuck was concerned about the effects of underground tremors and blasting on the animals in the area, including domestic animals, livestock as well as wildlife. She was concerned the noise and ground tremors would drive animals from their normal habitat, affect the fertility of animals and milk production from dairy cows and spook horses. She asked the Board to protect the animals.

Elisha Hall, 207 Roundelay Circle, Lynchburg, Virginia, is a Superintendent at Boxley's Mt. Athos Quarry and has been employed by Boxley for 35 years. He grew up in Evington close to the proposed quarry location. Part of his job as Superintendent was working with the quarry neighbors. When a neighbor had a concern, it became Boxley's concern. He personally visits the neighbor and tries to find a solution. Boxley takes responsibility for the problems caused by them and treats neighbors as they like to be treated. Having been raised in Evington, he knew the values of the citizens in that community, and he was proud that Boxley practiced many of those values. He urged the Board to keep this fine company in Campbell County.

Robert L. Evans, 158 One Mile Road, Evington, Virginia, has been president of Evington Auto Motors for 26 years. He was also a member of the Campbell County Board of Zoning Appeals. He was aware that Boxley had spent several millions to get a new quarry site, and all they had to do was bypass the Comprehensive Plan. If the Board rezoned this land, it would be spot zoning, and the entire zoning plan would be useless. Mr. Evans quoted from the Virginia Code that guides Boards of Zoning Appeals that said in essence that the variance granted should not be a detriment to the adjacent property and should not change the character of the district. The proposed zoning change would definitely change the character of the neighborhood.

Neal Keese, 221 Broadway Avenue, Roanoke, Virginia, was a member of the law firm, Woods, Rogers. He was born and raised in Campbell County and still owned the family farm at 2839 Leesville Road. Mr. Keese advised the water protection plan had been incorporated into an escrow agreement between Boxley Materials and Woods, Rogers. The law firm would serve as escrow agent and hold the funds. The agreement had three key provisions, namely (1) the neighbors were made third party beneficiaries that would give them the ability to enforce the agreement if there was ever an issue with the water quality, (2) the agreement would be binding not only on Boxley but anyone who operated the quarry, and (3) Boxley agreed to replenish any funds used from the account to meet future needs. Boxley recognized the water protection plan was not a proffered condition and not something the County could enforce, but Boxley went about it in a different way to protect the neighbors. While the application for rezoning was to Industrial Heavy, Boxley had proffered out many of the uses by right and by special use permit that were typically associated with Industrial Heavy sites. By doing this, it was Boxley's intent to only seek approval for a mining, sand, gravel and crushed stone operation.

Edwin B. Lewis, 304 Falkland Place Road, Evington, Virginia, was a retired research and development engineer and a resident of the Evington community for over 50 years. Over the years he had served on two boards and several committees in the County which helped him understand the government and politics of Campbell County. The rezoning application was reviewed and considered by the Campbell County Planning Commission who voted to deny the change in zoning. While he would not discuss the detrimental effects of a quarry in the community in detail, Mr. Lewis pointed out the health and psychological risks of a rock quarry were well documented throughout the United States. He questioned whether Boxley would be responsible for any damages or would the County also share in the responsibility. Mr. Lewis indicated the areas around the Mt. Athos Quarry and the Lawyers Road Quarry were desolate and had no new housing developments. A few trees could not cover up what was being done to those areas of Campbell County. He asked the Board not to allow the defiling of a prime section of the Evington area, the third one in Campbell County.

Peggy Cox, 267 Crescent Hill Drive, Evington, Virginia, was not supportive of the proposed quarry. She believed Campbell County's long term residential growth would continue to enhance the tax base. There were two new subdivisions in the area of the proposed quarry. Many of the lots were still vacant. She asked the Board to allow their community to grow with

new families locating in the immediate area. Heavy industry was not compatible and would prevent the growth that was evident. Mrs. Cox was concerned about the intersection of Route 24 and Masons Mill Road due to the lack of visibility.

Jeb Burton, 1314 Lee Jackson Highway, Bedford County, Virginia, has worked for Marvin V. Templeton & Sons for 25 years and supported Boxley's zoning request for the Flat Creek Quarry. There were many basic and fundamental services that a community required to function – roads, power plants, landfills, water, sewage treatment plants and schools were just a few. It was companies like Boxley that provided the stone for every one of those necessities. Templeton relied on Boxley for the stone to make asphalt to pave roads, parking lots and driveways. Other construction companies relied on the aggregate for block and concrete to build businesses, hospitals, schools and our homes. A quarry had to locate where the mineral deposit was located. Mr. Burton believed Boxley had gone above and beyond to develop a site plan that protected the community and preserved a significant amount of land that could just as easily become a huge residential subdivision. Chapter 5 of the Comprehensive Plan outlined the economic development goals of the County which included supporting the retention of existing businesses. Boxley had been supplying the needs of the construction industry for over 50 years, and construction was the 5th leading industry sector within the County and was one of the industry sectors recognized as most compatible by Campbell County's Target Industry Study.

Paul Richards, 5457 Dearborn Road, Evington, Virginia, was a member of Salem United Methodist Church. Mr. Richards indicated their church was steadily growing and has gone from a four-point charge to a station church in 2006. They have added five Sunday School classrooms and doubled its fellowship hall. They were also planning to increase their sanctuary capacity. Mr. Richards credited much of the growth to more residential subdivisions, and they hoped to continue that growth. He was concerned that growth would stop if Boxley's request was approved because the community's growth would stop. People would not build adjacent to a quarry with the concerns associated with dust, health effects, noise, blasting, truck traffic and lower property values. He was also concerned that the blasting would affect the integrity of the buildings, the church's well and the cemetery. Mr. Richards asked the Board to evaluate the request as to the impact to the church, the community and their way of life.

Carlisle F. West, 316 Abners Road, Evington, Virginia, was a fifth generation member of the West family living in Evington. From what he had learned at the public hearing, communities should be standing in line to have a Boxley Quarry in their neighborhood, but this did not seem to be the case. But this was not a Boxley issue, but an issue about Campbell County and should be dealt by Campbell County and not outside interests. Mr. West talked about how precious agricultural land was and the many owners who want to make sure their land stayed agricultural. He stated there were many more people opposed to the rezoning request, but did not come to the public hearing because they had already lost hope. He asked the Board to restore their faith in local government and put people ahead of politics.

Chris Mowry, 2595 English Tavern Road, Rustburg, Virginia, owned Long Meadows, Inc., a developer and home builder serving Lynchburg and the surrounding counties. They were located one-half mile from the Lawyers Road Quarry, and it was his opinion the close proximity to the quarry had not affected home or land values. His company relocated its operations to Campbell County in 2005 and began a 233 unit town home development called Tavern Grove. Even with the Lawyers Road Quarry in sight of the property, they moved forward with the project because of the many benefits Campbell County had to offer. Sales data would prove the quarry had not impacted the development. Since Tavern Grove opened in 2006, they had closed 96 residential units. Since 2003 five new developments had opened on English Tavern Road, all less than a mile from the Lawyers Road Quarry representing around 500 new families choosing to live near the existing quarry. Residential acreage along English Tavern Road had sold for as much as \$16,000 - \$18,000 per acre and as much as \$30,000 per acre in the last few years. He encouraged the Board to vote in favor of the new quarry.

Phyllis Everett, 133 Little Lane, Evington, was representing a group that registered acreage with them. The group represented 3,800 acres in the Evington area and covered approximately 5.9 miles of the area of the proposed quarry. Mrs. Everett wanted to remind the Board of the scenic views and wildlife along Route 24 from the Bedford County line to Route 29. Local motorcycle clubs frequently used the road as they toured Campbell County. She presented into the record a letter from Liberty Riders, a motorcycle club associated with Thomas

Road Baptist Church that attests to the scenic qualities of this area. Local bicyclists have also commented that the road is suitable for their outings, and she presented a letter from a local enthusiast supporting their concerns. Mrs. Everett did not want to see that kind of tourism hampered by the fumes from dump trucks. Historic buildings, homes and farms gave character to the Evington landscape, and she would not want that taken away. Although Boxley planned to create a buffer so that the quarry would not be visible from the road, the noise, lights and traffic would still intrude. This was a neighborhood and not an industrial zone. Mrs. Everett was not against mining, but did not think this was a suitable place for it to be mined. She questioned that if no risks exist, why were there warnings on Boxley's invoices.

Levi Thompson, 1957 Masons Mill Road, Evington, Virginia, bought his property in 2005. After looking for property in several counties, he and his wife picked Evington because they thought it was a safe investment and invested their life savings into the property. They expected the County to abide by the Comprehensive Plan and preserve the area. Boxley also saw its property as an investment – it had plenty of rock, was not far off of the road and centrally located in the County. The difference was he wanted the County to stay the course it was on, and Boxley wanted the County to move in a different direction. He disclosed he was a member of the Campbell County Farm Bureau and was employed by Southern Air. Both of those groups had expressed support for the quarry, and he respected that, but at the same time he had his life savings invested in his property. Mr. Thompson asked the Board to take the time to analyze all the County's resources before making a decision.

Burt Ferguson, 4898 Bethany Road, Rustburg, Virginia, supported the Boxley application. He talked about the need for stone especially in an agricultural community. As heard from the Farm Bureau, all farmers relied on stone in their occupation. Stone was also necessary for our houses, businesses and roads. He asked the Board to vote yes to the rezoning application.

Nick Csabi, 2677 Dearborn Road, Evington, Virginia, argued that rock was the most plentiful resource in the world and easy to access. He quoted from the U. S. Geological Survey that said the notion that Evington was the only place that had rock was ridiculous. Mr. Csabi believed it was ridiculous to expect the hardworking people of Evington to be comfortable sacrificing what little they had for the sake of Boxley or any other property owner for that matter. He was not worried about the future of Boxley or its expansion, but was concerned about the wellbeing of his family, his home and the preservation of his community and way of life. Mr. Csabi was sure Ab Boxley was a decent person, but Mr. Boxley was not moving into the neighborhood, his business was and the primary focus of the business would be to make money. He disagreed with the claims that Boxley would be a good neighbor saying good neighbors did not impose themselves on others. He also disagreed with the many claims that we needed this rock saying those comments were disingenuous and bordered on hysteria. Should the Board approve the rezoning and cast aside the Comprehensive Plan and the vision of a community, it would set a dangerous precedent. He asked everyone present that was not in support of the application to stand noting that they did not have to be paid to be present.

Elizabeth Phillips, 190 Crown Lane, Evington, Virginia, has lived in Campbell County her entire life and taught in the Campbell County School System. Boxley had at least six aggregate facilities, two of which were in Campbell County. There were three block facilities, five concrete plants, a trucking company and who knew what else. She did not think they needed any more recalling how the government broke up Rockefeller Standard Oil because of its monopoly practices.

Sam Stallard, 3567 Gregor, Lynchburg, Virginia, was a machine sales representative for Carter Machinery. Carter Machinery operated 28 locations across Virginia and West Virginia including the Campbell County facility built in 2001. There were 30 employees at that location, and Boxley was its largest customer. Its presence was vital to their ongoing success as well as continued economic growth in Campbell County. By following the Comprehensive Plan, Carter Machinery could have located a shop of their size in many areas of the County as long as there was adequate road access and it was appropriately zoned. Due to its size, Boxley did not have the same number of options when looking for a new site. Their location was dictated by where the rock was. Boxley could not locate in either the Seneca or Spring Hill Industrial Parks because the rock was not there. In addition, the rock had to be of a certain quality and quantity. Carter Machinery has had a long relationship with Boxley and found Boxley to be a well

managed company with a reputation in the community as a good corporate citizen. In particular, they were very careful of its impact on the environment as it produced a viable product for Campbell County.

Gene Fontaine, 1204 Blackwater Road, Evington, Virginia opposed the application by Boxley. He stated that most have placed their life savings into their properties. While the citizens were hard working people who did not ask for much, they did expect the Board of Supervisors to look after them and protect their interests.

Buck Arthur, 5602 Colonial Highway, Evington, Virginia, lived about two and one-half miles from the proposed quarry site and owned other property about 2000 feet from the proposed quarry. He indicated he too would be upset about the quarry if he did not know the people behind the company. He had a lot of friends in Evington and has been raising cattle since he retired from public work. Boxley did not ask him to speak on their behalf. Mr. Arthur stated that Campbell County needed a quarry and he knew the value of rock having been in the construction business. Boxley was a good company with good employees and were supportive of many activities in the County. Due to the many regulations, the quarrying business was not what it used to be.

Derrick Arthur, 855 Blackwater Road, Evington, Virginia indicated his farm directly joined Boxley and his family has lived there for more than 140 years. He was concerned the quarry would have a devastating effect on his farm, his lifelong investment and the community. The spring on his farm supplied all the water for his livestock, irrigation and the watershed habitat. The blasting alone could cause the loss of this water and put him out of business. He complained that many of the supporters of Boxley were not from Campbell County. From their comments, he was sure Boxley could solve every problem and cure every ailment. From the testimony, land values around the quarry would increase. He would have about 25 lots overlooking Boxley's pristine habitat and would offer them first to any Supervisor, member of the Homebuilders, or anyone else for \$100,000 each. This was unreality just as they were told 25 years ago that zoning would protect the people.

Jack McCarthy, 3241 Camlon Street, Lynchburg, Virginia, was Superintendent of the Lawyers Road Quarry and was proud of the positive relationships they had with their neighbors. He was also proud that many neighbors thought enough of Boxley to write letters in support. All of the adjoining property owners of the Lawyers Road Quarry had signed a petition or written letters. He was asked to read two of the letters from Mr. Fitzgerald on Lawyers Road and Mr. Cash on Winebarger Circle. Mr. Fitzgerald wrote, "Dear Board of Supervisors: I live right next to the Boxley's Lawyer's Road Quarry. Contrary to what some people are saying, Boxley's quarries are not poisonous. They don't dry up our wells and they aren't ugly eye sores. In fact, aside from the sign at the entrance to their property, the one next to the neatly positioned wooden fence and paved driveway, you would not know they were there since they are surrounded by trees and berms. They put a seismograph at our property between my land and theirs to measure the vibration, but that's right we hardly feel a thing. I have had nothing but positive interactions with my Boxley neighbors and wish them the best of luck in this endeavor. Please vote yes to the Flat Creek Quarry and let's keep a good company in Campbell County. Sincerely, Victor Fitzgerald." Mr. Cash wrote: "Dear Board of Supervisors: I would like to express my support for the Flat Creek Quarry. This quarry would supply enough aggregate to last a hundred year lifespan. That means this will allow building materials to remain affordable not only to us but to continue into the future for our children. They have been a great neighbor, have provided good jobs, kept local construction and business and even created a new business. Thanks to Boxley's current rock quarries it has allowed the residences of Campbell County to enjoy a low tax burden. What will happen when the quarries run out and there is no local supply? What will it cost residents of the County? I don't want to find out and I hope you don't either. Please approve the rock quarry. Flat Creek Supporter, A. R. Cash"

Revely Carwile, Jr., 3283 Walnut Hollow Road, Lynchburg, Virginia, was representing the Campbell County Historical Society. The Historical Society had been working with local government officials of Campbell County and local community volunteers to establish a committee and grassroots framework to identify historic sites and structures in Campbell County. This would be used to apply for grant funding to be submitted before March 2009. Some of the identified sites may be eligible for the National Register of Historic Places. The inventory would also be useful in planning economic development endeavors. Mr. Carwile provided a brief

summary of the history of the 2500 acre Flat Creek area that surrounds and includes the proposed quarry. Many of the properties date back to the 1700's.

Donald Barricks, 193 Windsor Forest Drive, Concord, Virginia, was Superintendent of the Piney River Quarry and a citizen of Campbell County. He credited Boxley Corporation for giving him a job without having any formal education and the opportunity to learn and move up with the company. His position had given him the opportunity to build relationships with their neighbors around the Piney River Quarry and local businesses. Boxley provided good jobs and opportunity to the residents of Campbell County. With a vote of approval at this public hearing, Boxley could continue its 50-year relationship with Campbell County.

Barbara Haney, 524 Falkland Place, Evington, Virginia, did not believe the proposed area for this quarry was the only one that had gravel noting that Boxley had tested 18 other sites before choosing the one on Route 24. As to the argument that without a local quarry, costs for construction would increase, Mrs. Haney pointed out the cost of everything was going up. Some who favored the quarry spoke about the tax revenue that Boxley would bring in. She suggested that if you took the almost 1,000 acres and built 1,000 homes, the County would have the tax revenue and other businesses would benefit as well. By building homes instead of a quarry, Route 24 would be maintained as a scenic roadway.

John McClain, 843 Greenhouse Road, Rustburg, Virginia, was a partner with WC Environmental Services and recently assisted Boxley with a stream relocation at the Lawyers Road Quarry. He personally observed Boxley's environmental stewardship when they went above the permit requirements on the stream relocation by planting large trees to promote wildlife. Boxley has agreed to turn the areas around the stream into wetlands and promote the natural habitat. In addition, they would be seeking National Wildlife Federation certification as a wildlife habitat. Mr. McClain was confident wildlife would not be hampered by the quarry construction if approved at the Flat Creek site. The proposed 300 foot buffer was ideal as a habitat for a large number of wildlife and birds. He was not paid by Boxley to speak, but instead asked to speak on their behalf.

Steve Beaver, 5630 Dearborn Road, Evington, Virginia, was representing the Evington Citizens with Economic Concerns. The study by the Upjohn Institute for Employment Research to which Mr. Boxley referred to in his opening remarks showed the potential impact of a new gravel pit on existing residential property values. The study commissioned by the Richmond Township Planning Commission in Michigan showed a statistical correlation between the property's distance from a gravel pit and that property's sale price. Properties adjacent to a gravel pit experienced up to 30% reduction in sales price with prices increasing one (1) percent for every 10% increase in distance from the gravel operation. Property values at one mile were reduced by 14.5%, properties at two miles were reduced by 8.9% and properties at three miles were reduced 4.9%. The study found there was less than one chance in 1,000 that the introduction of the gravel pit would not affect property values. Mr. Beaver indicated this study was particularly compelling because it was a large sample and because it was difficult to find an area where a gravel pit was introduced into an existing high density residential area. According to the Campbell County GIS data the assessed value of real estate within one mile of the Boxley parcel is worth \$30 to \$35 million. Assuming the property within one mile of the quarry would be devalued an average of 22%, the aggregate loss in equity for residents within a mile of the quarry would be as high as \$7 million. Translating this finding to a residential unit level a property assessed at \$200,000 positioned one-half mile from the gravel pit would experience a \$40,000 to \$50,000 reduction in value. Mr. Beaver argued that the economic value of eight new homes in the Evington area would bring in as much tax revenue as Boxley would during the construction phase, and 24 homes would bring in as much tax revenue as Boxley would when the plant was up and running. He pointed out a change in zoning to industrial was a radical change and would affect the number of people who would want to live in the Evington area.

Mike Hayslett, 110 Ablow Lane, Amherst, Virginia, has been a resident and naturalist in Central Virginia for 20 years. He believed a quarry would be better than subdivisions. As an advisor to Boxley for over a decade on matters related to wildlife habitat, Boxley had shown integrity and dedication by going above and beyond the status quo and duty. He had seen first hand how the company strived to achieve a higher quality result in its restoration efforts. One example was a wetlands project on its Amherst County property. Mr. Hayslett commented his own attitude was reformed by his involvement with the Boxley Company. Their activity was

perceived to be a harsh impact on the landscape, but in fact was a very slow, methodical and locally concentrated process carried out by purposeful planning. The forested lands surrounding the quarry would provide a critical habitat, and a connecting corridor for wildlife to survive and disperse through the region for decades to come. In truth the use of 20% of 1,000 acres over 100 years was a more sustainable use of land than the conversion of family farms and open space that was occurring due to residential and commercial development.

Sandra Griffith, 205 Rangewood Drive, Evington, Virginia, pleaded with the Board not to do this to their community. They had worked very hard to provide for their families, and did not want that destroyed. Please vote no.

Tom Colville, 187 Lucinda Drive, Evington, Virginia, lives approximately 8,400 feet from the proposed open pit. He had been in the mining industry for 30 years and knew of no one that had suffered from asbestos or silicosis. He enjoyed mining and the people at Boxley. It was a good company to work for. They respected the environment and supplied a vital need to the neighborhood and the other industries in the area.

Michael Savela, 4821 Dearborn Road, Evington, Virginia, was representing the Evington Community Association. He indicated that the entire group was not able to return to the second evening of public hearing, but the previous evening there were approximately 500 people present in opposition for a ratio of 8 to 1 in opposition. Mr. Savela began by saying the core issue of the public hearing was zoning. The Evington Community Association did not believe Boxley was a bad company and knew that rock was a needed commodity, but it was a commodity that was plentiful in the region. The Flat Creek site was put forth because it was the most profitable, not because it was the only choice. It appeared that Boxley was putting forth large amounts of capital investment into Campbell County and the continued contributions to the tax base once the Lawyers Road facility was closed. However, thousands of Evington residents, approximately 2,900 mailing addresses, had invested hundreds of millions of dollars in their greatest assets – their homes and their land. This investment was under the full faith in government to support the growth and zoning as codified in the Comprehensive Plan. Evington was agricultural, residential and business friendly as evidenced by the support of the expansion of Evington Iron Works within its transitional nature. Evington was not heavy industrial, and its best commodity was its way of life, its clean water, its clean air, sense of community and heritage. Mr. Savela indicated the Board members had received the official position of the Evington Community Association setting forth the many issues surrounding the rezoning that would justify a denial of the request. In addition, they addressed why the proffers were not sufficient for the protection of the surrounding Evington area. On behalf of the Evington Community Association, he asked the Board to deny the request and protect the Evington area from heavy industrial use.

Jeff Perkins, 3414 Exeter Street, SW, Roanoke, Virginia, was the Executive Vice-President of Aggregates and wanted to clear up some information about the Flat Creek greenstone deposit. Rocks were made of minerals and not all minerals were suitable for construction aggregate. The presence of asbestos form minerals was one reason it was so difficult to locate a quarry in parts of Campbell County. The state geological map mentions old mine sites in Campbell County that had asbestos form minerals. Over the past 20 years Boxley had researched 18 different locations before finding the greenstone deposit at Flat Creek. Three years ago Boxley hosted its first open house, and since that time they had conducted numerous tests and studies to determine if the deposit would meet the criteria for a long-term aggregate supply. From the test drills, their geologists determined that no asbestos form minerals were present.

James Evans, 140 One Mile Road, Evington, Virginia, stressed that water was a scare, precious natural resource, but rock was not. He learned about the value of water as he worked with his grandfather on his farm, and he did not believe his grandfather would want a rock quarry so near to his church. He did not support the change in zoning as heavy industrial was not compatible with agricultural and residential zoning.

Bill Hamlin, 3111 Allendale, Roanoke, Virginia, was Vice-President of Aggregate Operations. He thanked the Board for its thoughtful deliberation of the application for rezoning, and indicated this was the end of a long journey beginning with the first community meeting in 2005. To ensure the Flat Creek site was the most appropriate site for a replacement quarry, they had committed to a plan that met the long-term aggregate needs of the community while at the

same time benefitted the community and preserved its rural character. The unprecedented amount of land surrounding the operation would ensure minimal impact on the neighbors. He read an excerpt from one of their Mt. Athos neighbors who was a vocal and active opponent to its rezoning application for expansion of its operation in 1989: "In 1989, we strongly opposed the expansion of Boxley which would place the Mt. Athos plant adjacent to our home of 52 years. The expansion was approved. At that point company officials assured us they would be good neighbors. They outlined the specific steps they would take to maintain our community and our safety. Over the years Boxley has done each and every one of these and has become an asset to our community. Good neighbors are hard to find, but Boxley is one of them." Given the opportunity to stay in Campbell County long term, Mr. Hamlin stated they would be the good neighbors at this site as they were at all of their operations. He asked the Board for approval of the rezoning application.

The public hearing was closed at 9:01 p.m.

Supervisor Gunter commented that he lived within 9/10th of a mile from the Mt. Athos Quarry. He appreciated all the comments at the public hearing and has read all the letters to the Board both for and against the rezoning application. He offered the following motion to approve:

*On motion of Supervisor Gunter, it was resolved the Board of Supervisors citing good zoning practice consistent with the economic development and land use goals and objectives of the Comprehensive Plan **APPROVES** Request #09-00048 by Boxley Materials Company to rezone approximately 353.23 acres from A-1 Agricultural to I-H Industrial-Heavy (Conditional) with a concurrent special use permit request to construct and operate a rock quarry on property located on Colonial Highway, approximately one and one-half miles east of Evington, Virginia in a designated transitional growth area per the current Comprehensive Plan; and the landowner hereby submits the following amendment, proffers and agreement as part of the above-referenced request:*

Amendment

Reduce the acreage for rezone and special use from 488.23 to 353.23 acres as shown on Boxley Map "Flat Creek Site." The 135 acre portion of tract 41-1-120 that is currently zoned Residential Single Family (R-SF) as defined on the Campbell County Zoning Map, shall remain Residential Single Family.

Proffers

1. Land Use & Site Development

1.1 The following principal uses shall not be used on this property

- a. Coal and wood yards, lumber yards, sawmills and wood preserving operations.
- b. Stone monument works, wholesale
- c. Central mixing plant for concrete
- d. Foundries
- e. Manufacturing, compounding, assembling or treatment of nuclear fuels and all accessory uses in buildings customarily incidental to such operations.
- f. Paint, oil, shellac, turpentine or varnish manufacturing.
- g. Petroleum refining, ethanol refining, including by products, and similar uses.
- h. Tire stockpiles, subject to the requirements of §12-8 et seq of the Campbell County Zoning Code.
- i. Truck stops
- j. Correctional facilities operated under the auspices of direct control of the Virginia Department of Corrections, whether privately owned and leased to the Department of Corrections or constructed and owned by the Commonwealth of Virginia; provided, however, that before a certificate of occupancy is issued, all requirements of the Department of Corrections regarding prisoner security and protection of the public health, safety and welfare must be met.
- k. Solid waste processing or transfer facilities and landfills.
- l. Asphalt Plant

- 1.2 *A minimum 300 foot natural buffer will remain along all property boundaries except where clearing for an approved entrance is necessary, and appropriate Erosion and Sediment Control areas are necessary.*
- 1.3 *The crushed stone and mining operations will use 243 ± acres of the 353.23 acres for the mining and processing operation. The remainder of the 353.23 acres will be used for a natural buffer and open space. Included in the 110 acres of natural buffer and open space will be 55 acres of the Flat Creek riparian area.*
- 1.4 *Any open or cleared areas visible from a public roadway will be screened with a minimum fifteen (15) foot landscaped berm.*
- 1.5 *No commercial entrances will be constructed on Blackwater Road.*
- 1.6 *VDOT approved acceleration and deceleration lanes will be constructed for any entrances/exits on Route 24 as depicted on Hayes, Seay, Mattern, and Mattern, Incorporated conceptual drawing (see attached drawing).*
- 2. Dust**
- 2.1 *The entrance and customer access roads will be paved.*
- 2.2 *Dust from drilling, material handling, processing, stockpiling, load-out, and traffic areas will be controlled by the best commercially available technology used in the industry, including, high pressure-low volume wet suppression, dry collection, or equivalent.*
- 2.3 *A truck wheel wash for all commercial truck traffic will be installed near any exits onto a public roadway.*
- 3. Blasting**
- 3.1 *Blasting will be limited by a mining permit approved by the Division of Mineral Mining of the Virginia Department of Mines, Minerals and Energy.*
- 3.2 *No explosives will be permanently stored on-site.*
- 3.3 *A permanent seismograph will be installed at the point on the property that is in closest proximity to the nearest non-company dwelling. Ground vibrations will not exceed 1.0 in/second and air overpressure will not exceed 133 dB at this station.*
- 4. Traffic**
- 4.1 *All commercial trucks leaving the operation will be legally loaded and covered with a tarp according to state regulations.*
- 4.2 *An electric variable message board will be installed at the primary exit to the public roadway to display up to date safety messages.*

Supervisor Rosser appreciated everyone coming out to speak on both sides. When he first learned that Boxley had purchased this property, he talked with the late Calvin Carter, the former Altavista Supervisor. They tried to keep the quarry where it was currently located. There was rock nearby on land owned by someone else, and Boxley made an effort to purchase this property without success. He hoped the Board would support and recognize the work by the Planning Commission and its recommendation to deny the application. He offered the following substitute motion to deny:

*On substitute motion of Supervisor Rosser, it was resolved the Board of Supervisors citing general welfare of the community **DENIES** Request #09-00048 by Boxley Materials Company to rezone approximately 353.23 acres from A-1 Agricultural to I-H Industrial-Heavy (Conditional) with a concurrent special use permit request to construct and operate a rock quarry on property located on Colonial Highway, approximately one and one-half miles east of Evington, Virginia in a designated transitional growth area per the current Comprehensive Plan.*

Before a vote was taken, Supervisor Falwell also thanked everyone for taking the time to come out and speak at the public hearing. He recognized the people of Evington had concerns, but at the same time no matter where it was located, it would be next to someone's property or church. The Board had to represent the people of Campbell County. He did not receive one negative letter from the citizens of the Timberlake District so he starting asking citizens wherever he went, and 95% of those he talked with told him to approve the rezoning. By voting in favor of the rezoning, he believed he was representing the citizens of the Timberlake District.

Supervisor Goldsmith indicated he was impressed at the willingness of Boxley to try to meet the needs of its future neighbors should the rezoning be approved, but he still believed there were questions to be resolved to make sure everything promised took place. He recommended the Board take some time before making a decision on the rezoning application to review all the proffers and make sure they met all of the concerns of the Evington community. Boxley could not offer a proffer on the water protection plan, and the water issue in itself deserved more verification and confirmation before making a decision. Supervisor Goldsmith indicated he had some experience with quarries and over a period of years there would be some changes in the rock and water transfers due to blasting. Another concern was that all uses allowed in industrial heavy zoning were not proffered out. He believed the Board needed to review the proffers and conditions with enough depth to make sure the people of Evington were protected. He cautioned the Board to be very, very careful because this would change the nature of an area that was not intended to be an industrial area.

Supervisor Puckett appreciated the effort made by each and every one. He knew it was a burden on the Evington community to come forward and make their opinions known. He also appreciated the effort by Boxley to present as much information as possible. Looking at the notes he made throughout the public hearing, he pointed out the proffers by Boxley covered many areas of concern such as dust, traffic and blasting. Supervisor Puckett also talked with a gentleman who performed announced and unannounced inspections of quarries and learned that quarries were heavily regulated and inspected. He felt confident the operation would be run as it should be. Supervisor Puckett called for the question.

A vote was taken on the substitute motion to deny the application for rezoning and special use permit.

*The vote was: Aye: Goldsmith, Rosser
Nay: Falwell, Gunter, Pendleton, Puckett, Shockley
Absent: None*

Because the substitute motion failed, a vote was taken on the original motion to approve the application for rezoning and special use permit.

*The vote was: Aye: Falwell, Gunter, Pendleton, Puckett, Shockley
Nay: Goldsmith, Rosser
Absent: None*

// ADJOURNMENT

On motion of Supervisor Gunter, the meeting was adjourned at 9:15 p.m.

The vote was: Aye: Falwell, Goldsmith, Gunter, Pendleton, Puckett, Rosser, Shockley
Nay: None
Absent: None

HUGH T. PENDLETON, JR., CHAIRMAN

Approved: _____