

MINUTES

KENTUCKIANA REGIONAL PLANNING AND DEVELOPMENT AGENCY (KIPDA)

REGIONAL PLANNING COUNCIL

MEETING CONDUCTED THROUGH ZOOM

July 9, 2024

The Regional Planning Council of the Kentuckiana Regional Planning and Development Agency met at 11:00 a.m. Tuesday, July 9, 2024 via Zoom video conference. Members in attendance were:

Mr. Ryan Libke, Planning and Zoning, Shelby County, Kentucky
Honorable Scott Bates, Judge/Executive, Henry County, Kentucky
Mr. Mike Ray, Volunteer, Planning and Zoning, Henry County, Kentucky
Mr. Brian Davis, Louisville Metro Government, Jefferson County, Kentucky
Mr. Jim Urban, Oldham County Planning and Zoning, Oldham County, Kentucky
Honorable Scott Travis, Judge/Executive, Spencer County, Kentucky
Honorable John Ogburn, Judge/Executive, Trimble County, Kentucky

OTHERS IN ATTENDANCE

REPRESENTING

Ryan Lloyd	KIPDA
Felicia Harper	KIPDA
Rachael Miller	KIPDA
Dustin Duncan	KIPDA
Jennifer Wilson	KIPDA
Jarrett Haley	KIPDA
Amy Charles	Henry Co. Economic Dev. Council
John Hodgson	Legislator LD36
Gary McGruder	Self
Roger Hartcale	Self
Kaitlin Dever	Louisville Metro Government
Jeff Frank	Louisville Metro Government
Ryan Fischer	Oldham County Planning & Zoning

CALL TO ORDER

Mr. Libke called the meeting to order at 11:01 a.m.

COUNCIL MEMBER ROLL CALL

Ms. Miller called roll. A quorum was present.

MINUTES FROM APRIL 9, 2024

Judge Bates moved to approve the minutes from the Tuesday, April 9, 2024 Regional Planning Council meeting. Mr. Davis seconded. Motion carried unanimously on a voice vote.

NEW FLOYDS FORK REGULATIONS

Ms. Dever and Mr. Davis with Louisville Metro Government gave a presentation on the Floyds Fork Special Zoning Overlay District. Planning began for Floyds Fork after the adoption of the 1979 Comprehensive Plan. In 1980, a Comprehensive Plan Implementation: Environmental and Essential Services Constraints study recommended rezoning Floyds Fork to allow only very low intensity uses. In 1981, the Floyds Fork Management Plan recommended measures to protect the environment and preserve the scenic resources of the corridor.

The Floyds Fork Development Review Overlay (DRO) Guidelines along with area-wide rezoning to R-R which allows for the construction of single-family residential units were created in 1993. The Floyds Fork DRO is comprised of 2,483 properties, totaling 13,068.80 acres or 20.42 square miles. 8,911 acres of the DRO, or 68.18%, is zoned R-R.

The South Floyds Fork Vision was adopted by Metro Council in August 2020, and the Community Form Recommendation 3(A) aims to analyze and revise the Floyds Fork DRO in its current state to eliminate redundancies, provide clear standards, and to reflect current needs and conditions.

The Case Summary timeline occurred as follows:

- Public meeting – May 24, 2023
- First draft released – July 2023
- Planning Committee meeting – August 28, 2023
- Second Draft released – November 2023
- Second Planning Committee meeting – November 29, 2023
- Public comment open house – December 12, 2023
- Third Draft released – December 21, 2023

Interested parties were asked to submit their “redlined” versions of the December 21st draft, which was the version reviewed by the Planning Commission on January 4th. The following relined versions were submitted: Red Draft, Blue Draft, and Green Draft. Meetings were conducted by Louisville Metro staff to discuss comments from the redlined drafts on these dates: January 30th, February 9th, February 16th, and March 1st. A Planning Commission meeting was held on March 21, 2024 and the Metro Council approved their final version on May 16, 2024.

Some examples of the Tier 1 regulated activities are:

- Grading, excavation, retaining wall construction, or alteration for non-agricultural uses greater than 5,000 square feet
- Less than 50% expansion to existing residential structures
- Clearing of treed areas to be less than 5,000 square feet
- Construction of accessory structures or accessory dwelling units
- Construction of a street serving one dwelling unit
- Construction of a single-family structure on a lot not exempt from review

Some examples of the Tier 2 regulated activities are:

- Clearing of treed areas to be less than 5,000 square feet
- Non-agricultural grading, excavation, retaining wall construction, or alteration
- Construction of roadways and parking lots serving more than one dwelling unit
- Utility construction
- More than 10% expansion of non-residential structure

Also included in the plan regulations are increased buffering and setbacks along designated scenic corridors with a maximum impervious surface of less than 40%, and no more than 30% of the local regulatory floodplain can be impervious surfaces. Lighting standards and an independent environmental assessment of certain waiver requests are also included in the regulations. All major subdivision developments in R-4 or R-5 districts shall utilize one of the following:

- Tracts of five acres or more; or
- Conservation subdivision regulations; or
- Mixed residential development incentive with a minimum of 30% of the site designated as common open space; or
- Development potential transfer with a minimum of 30% of the site designated as common open space

In addition, multi-family residential developments with ten or more dwelling units shall provide a minimum of 30% of open space in relation to the size of the development site.

The 2010 Metropolitan Sewer District (MSD) Floyds Fork Action Plan addresses permitted wastewater treatment plant (WWTP) capacity in Jefferson County, with the possibility of a new WWTP in southeast Jefferson County. The U.S. Army Corps of Engineers (USACE) conducted a Floyds Fork Section 206 Aquatic Ecosystem Restoration study in August 2021 to determine projects that would be beneficial to the environment of the Floyds Fork area now and in the future. This \$12.4 million design and construction project consists of 50 acres of native hardwood plantings, 16 acres of wetland restoration, and 6,500 linear feet on in-stream restoration across four project sites located in Jefferson and Bullitt Counties.

The partnership between the U.S. Army Corps of Engineers and the non-federal sponsor, Future Fund, Inc. with the guidance of the MSD, was formally completed on April 29, 2024 in the signing of the partnership agreement. \$8 million in federal funding and \$4.4 million in non-federal funding will be combined in order to complete the project.

The USACE assessment found that anthropogenic activities have altered the landscape in the project area resulting in pronounced channel incision to bedrock; stream bank instability; degradation of riparian habitat; enhanced habitat for invasive

species; reduced diversity of river line, wetland, and riparian habitat and floodplain forest; high sediment loading; and widespread embedded substrates. The combination of these factors has resulted in an impaired ecosystem across aquatic, riparian, floodplain forest, and wetland habitats. The implementation of restoration measures of this project will connect significant patches of habitat critical for maintaining healthy populations of organisms.

The stream at the heart of the Parklands of Floyds Fork is currently the number one attraction in Louisville, KY. Without timely guidance from Frankfort on wastewater permit limits will result in millions of dollars of misappropriated dollars for infrastructure, continuing uncertainty on how to grow Floyds Fork, continuing of severe impacts to stream and ecosystem health, and the potential for significant legal challenges.

KIPDA UPDATES

Mr. Lloyd stated that his responsibilities at KIPDA are evolving, and he has taken over GIS mapping duties that were formerly the responsibility of Annemarie Sacra. Going forward, he will be responsible for mapping water and wastewater infrastructure for the KIPDA region.

Ms. Harper stated that KIPDA has been awarded a \$1.4 million Brownfield Coalition assessment grant. This is the first time KIPDA has completed this application process. This grant funding will cover all the Kentucky counties plus the two KIPDA region counties in Indiana – Clark and Floyd. KIPDA will soon release a request for qualifications (RFQ) and will reach out to local officials with more information once a consultant is found.

Ms. Wilson added that KIPDA has received a partial award for a Section 319(h) watershed planning grant to complete a project along Hardy Creek in Trimble County. The specific funding amount awarded is not yet known, but Ms. Wilson will update the Council as more information is received.

COUNTY QUARTERLY UPDATES

HENRY COUNTY

Judge Bates stated that the county voted to put medical cannabis on the ballot in November and will continue to work behind the scenes in preparation in case it is

approved. Also, a \$50 million business has shown interest in coming to Campbellsville.

JEFFERSON COUNTY

Mr. Davis stated that the cities and counties will need to get ready for medical cannabis because it is coming.

OLDHAM COUNTY

Mr. Urban announced that he is retiring, and his position will be filled by Mr. Fischer. Also, Oldham County Planning & Zoning has two planning positions open.

SHELBY COUNTY

Mr. Libke reported that the City of Simpsonville has completed its Zoning Ordinance, and it will now be submitted to the Planning Commission for approval.

SPENCER COUNTY

Judge Travis stated that the Spencer County court has voted that the county will be open for medical cannabis production and sales.

TRIMBLE COUNTY

Judge Ogburn stated that he had no updates to report.

OTHER BUSINESS

None.

ANNOUNCEMENTS

The next Regional Planning Council meeting will be held on October 9, 2024 at 11:00 a.m. in the Burke Conference Room and via Zoom video conference.

PUBLIC COMMENT PERIOD

None.

ADJOURNMENT

Mr. Davis moved to adjourn the meeting at 12:14 p.m. Judge Bates seconded. Motion carried unanimously on a voice vote.