

Planning Commission
444 S. Fifth Street
Louisville Ky, 40202

Case # 22-LDC-0006
January 2, 2024

Dear Planning Commissioners, decades ago past County Judge David Armstrong said it was in our best interest to protect Floyds Fork Creek. Lord knows the county and many individuals and groups have tried. What I know is Jefferson County/Louisville Metro has spent well over \$100,000 on studies to educate us to guide changes. Change seems difficult for those in charge of our town. Being elected to our Board of Supervisors for the Jefferson County Soil & Water Conservation District I have served over 12 years encouraging good stewardship of our natural resources. Studies I've known about and participated in are the Partnership for a Green City, The Davey Tree Study, Wallace, Roberts Todd Study, and the South Floyds Fork Vision Plan just to name a few.

Now to address the latest proposal Case 22-LDC-0006, The Floyds Fork Special Zoning Overlay District. Reading the changes I've come to the conclusion that the authors have disregarded science in their proposal. They have not relied on science that the studies have brought forth to educate everyone. Everyone is city employees, builders, environmentalists, developers, conservationists, and citizens. For the past two or three months I've read and heard story after story on climate change. This current proposal by Louisville Metro seems to ignore studies and science and further the destruction of Floyds Fork Creek. Please use the studies and known science to guide us. More burden will be placed on taxpayers who are absorbing cost after cost to correct current and past practices.

Sincerely,

David Kaelin/Master Conservationist
2421 Tucker Station Rd.
Louisville, Ky 40299

A Historic Opportunity

Just over a year has passed since Congress authorized the Army Corps of Engineers' *Three Forks of Beargrass Creek Ecosystem Restoration* project—an astonishing commitment to Louisville's primary urban stream and a major tributary of the Ohio River. This \$142 million project would restore twelve key Beargrass sites and could catalyze further restoration and activation by homeowners, businesses, and many others, if we in Louisville seize this one-in-a-generation opportunity.

In February, Kentucky Waterways Alliance and Beargrass Creek Alliance hosted a gathering of officials and partners at the Crescent Hill Library to provide an update on the *Three Forks of Beargrass Creek Ecosystem Restoration* project and to secure commitments in support of this project.

Metro Council District Councilmen, Jecorey Arthur (District 4), Ben Reno-Weber (District 8), and Andrew Owen (District 9), attended the meeting along with representatives from Mayor Greenburg's office, Olmsted Parks Conservancy, MSD, River City Paddle Sports, Ohio River Way, and the Army Corps of Engineers.

While the *Beargrass Creek Ecosystem Restoration* project and funds have been authorized by Congress, this project was not included in President Biden's 2024 or 2025 budgets. In addition, when funds are allocated in the budget, a local match will be required. As budget negotiations begin, we are working to see that the Beargrass project is added to the final list of funded projects.

In February, KWA's Executive Director, Michael Washburn, and Mark Long, Chair of Beargrass Creek Alliance, met with Rep. Morgan McGarvey, chair of the Ohio River Caucus, to ask for his support and advocacy with the administration in support of this worthy project. KWA will continue to advocate for this project at the local and federal level in the coming year. Beargrass Creek, a watershed draining almost 70 square miles of Jefferson County, should be clean, safe, and accessible to all.

Hal Heiner, 15101... 40245

Our family, which now includes 10 of the grandkids, have been living on the fork for nearly 30 years. We hold Floyds Fork in high regard and have been a part of the effort to enlarge the streamside buffer as an untouchable wildlife corridor.

Today, I want to give a landowner's perspective and shed some light on one provision that unnecessarily damages the value of our family property.

Our farm and my neighbor's farm total 220 acres and we have a mile and a half of frontage on the Fork. At purchase, 6% of the farms were reserved for Floyds Fork under federal regulations. With Cornerstone 2020, that increased from 6% to 8% of the farm with introduction of the streamside buffer concept. I am pleased with the proposal today to increase the streamside buffer from 25 feet to 150 feet. This will increase the percentage of our farms reserved exclusively for Floyd's Fork from 8% to 20%.

In addition, MSD has just completed a detailed flow analysis of Floyds Fork and has delineated the floodplain into two parts, the flowing water floodplain, called floodway, and the floodplain fringe. MSD's intention is to prevent all development in the flowing water floodplain. This increases the percentage of our farms reserved exclusively for Floyd's Fork, from 20% to 35%.

The proposal before you today however, does not distinguish between flowing water floodplain and floodplain fringe. Floodplain fringe is often only inches deep during a 100-year massive storm. By not distinguishing between the 2 types of floodplains, it increases the percentage of our farms reserved for Floyd's Fork alone from 35% to 50%, that is over 100 acres of our 220-acre farms!

Today, rearranging floodplain fringe is heavily regulated by MSD and is common. Their regulations require that any change in the floodplain fringe layout requires the new water storage be much larger than the original storage...actually improving the flood situation.

My neighbor and I understand the reasons to increase the percentage of our farms reserved for the Fork from 6% at purchase to the 35% reservation level. Going from 35% to 50%, simply by not distinguishing the flowing water floodplain from the floodplain fringe, tramples our property values for many others, and is inconsistent with all community precedent.

My request is that the word floodway be inserted after the word floodplain in Section 3.1.3, paragraph A3. Even with this change, 75 acres of our 2 farms will still be reserved for the Fork alone, while allowing some rearrangement of the fringe areas in the future.

Thank you.

My name is Sarah Beth Sammons, I am a professional landscape architect, lifelong Kentuckian, and 12-year resident of Jefferson County. Today, I stand before you as an elected official and the Chair of the Jefferson County Soil and Water Conservation District, to advocate for the Floyds Fork Zoning Overlay District regulations in its strictest form. As stewards of Jefferson County, it is imperative that we adopt practices that prioritize sustainability and conservation.

KENTUCKY ASSOC.
OF MITIGATION
MANAGERS

The National Association of Conservation Districts, the American Planning Association, the American Society of Landscape Architects, the American Institute of Architects, the Environmental Protection Agency, and the Jefferson County Soil and Water Conservation District promotes the utilization of Low Impact Site Design Practices for all development. Low Impact Site Development locates buildings and roadways in areas less sensitive to disturbance and implements stormwater management systems that creates a relationship between the development and the natural hydrology allowing development to accommodate growth while conserving the rural character and natural resources such as waterways and existing tree canopy. Low Impact Development reduces infrastructure costs, allowing municipalities to allocate resources more efficiently, minimizing taxpayer burden while fostering sustainable growth. The Conservation District strongly suggests Low Impact Site Design Practices be utilized throughout all of Jefferson County, and especially in environmentally sensitive areas such as the Floyds Fork District.

By maintaining the rural character of the Floyds Fork District, we uphold values of conservation, sustainability, and responsible stewardship of the land as described in three of the five Principles (Healthy, Authentic, Sustainable) and two of the Plan Elements of Plan 2040, Louisville-Metro's Comprehensive Plan (Community Form and Livability). Through thoughtful planning and sustainable development practices, we can strike a balance between growth and conservation, allowing our community to thrive without sacrificing the very essence of what makes it special.

Approval of stricter regulations for development within the Floyds Fork Zoning Overlay District in allows Jefferson County the opportunity to protect the rural character and build a community where development and conservation are not mutually exclusive but complementary endeavors. Today we are presented with an opportunity to shape the future of one of the few rural, agrarian, riparian landscapes left within Jefferson County and define the legacy we leave for generations to come.

Thank you.

Good afternoon,

My name is Steve Froelicher. I have 35 years with General Electric as a product development engineer with an emphasis on solving technical issues across our business.

As part of a community volunteer organization, I have worked with local & state government to solve issues in Bullitt County. I worked with Planning and Zoning to rework our comprehensive land use plan. Most of my work has been focused on transportation, residential and commercial development. The new I65 interchange at exit 114 was a major focus.

In 2014 FEMA was considering an increase in the flood plain for Shepherdsville. The reason given was increased likelihood of flooding, but no data was presented. Insurance increases and future development are major concerns for our community.

I was asked to look at the change. I reasoned that more flooding had to come with more rain and increased impervious surfaces that may come with changes in land use.

My first area of study was historic rain gage data generated by the National Weather Service. I produced a chart that is very similar to the one I am showing today.

For each decade from 1900 to 2020 this chart shows inches of rain fall for the wettest year, the driest year and the average for the decade. The dotted lines are calculated trend lines that are used to estimate the rain fall amounts out to 2040. The difference between the wettest year and the driest year is an indication of rainfall variation. For this meeting, I have added the rainfall amounts and the percentage increases relative to when the DRO was passed in 1993.

As you can see, the rainfall in our area is increasing, unfortunately, at an accelerating pace. The variation between the wet years and dry years is an indication of more intense rainfall events. Substantial percentage increases have occurred since the 1993 DRO passage and can be expected to grow substantially in the future.

When I presented my original analysis to our group in 2014, we felt that we did not have grounds to push back on FEMA and that FEMA was probably correct in raising the flood plain in Shepherdsville.

Today, I am relaying similar information to you. More rain is coming and with higher intensities on occasion. Land use changes with less trees and more impervious surfaces will increase rapid run off.

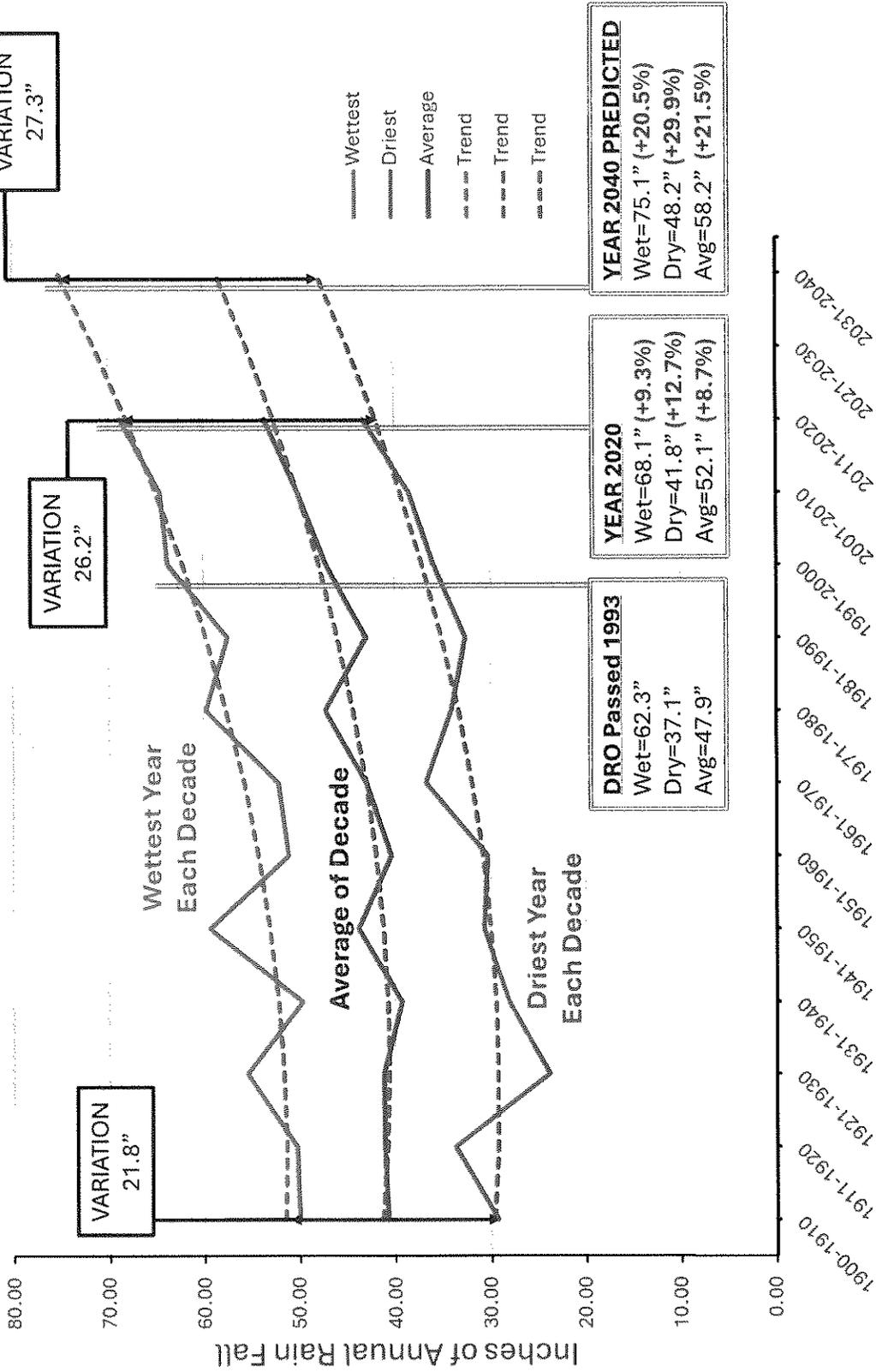
Given anticipated increases in rainfall, rainfall intensity and run off rates, and on behalf of communities downstream, I would like to ask for more protection for the Floyds Fork watershed, not less.

I will be happy to answer any questions.

Thank You.

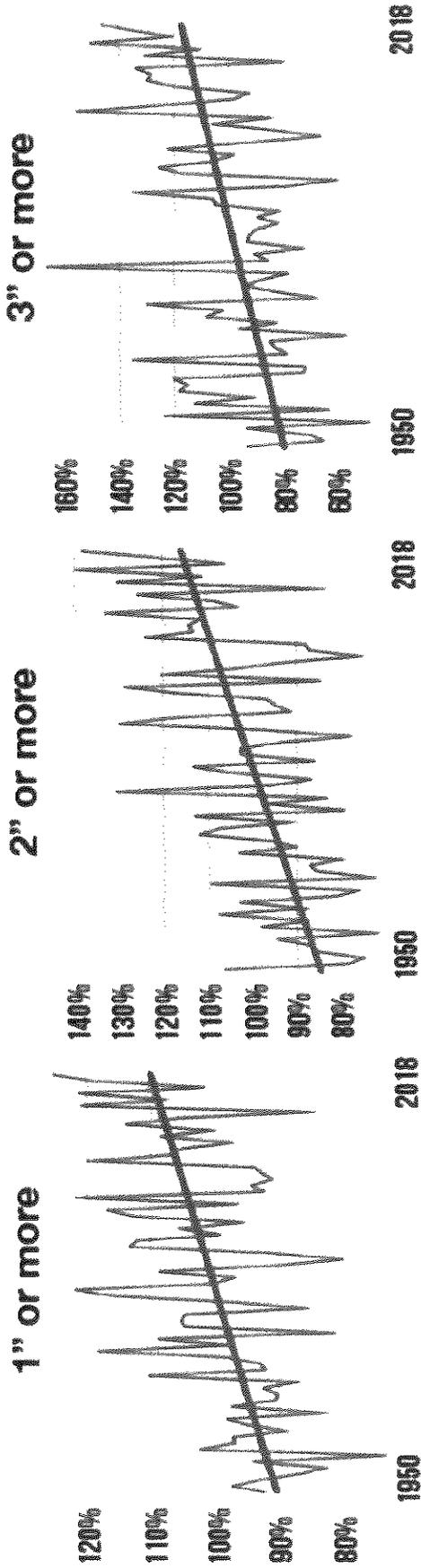
Louisville Kentucky Rain Gauge Data By Decade: 1900-2020

Source: National Weather Service NOAA - <https://www.weather.gov>



More U.S. Downpours

Annual 1", 2", 3"+ days compared to 1950-2018 average



Based on methodology by Brian Brettschneider, where 100% represents the 1950-2018 average.

Source: RCC-ACIS.org

Note: Each Chart is Normalized to the Central Year 1984

Floyds Fork Coalition Comments
22-LDC-0006 Planning Commission Hearing
3/21/2024

To: Planning Commissioners and Staff

From: The Floyds Fork Coalition

This draft does an excellent job of establishing some much-needed regulations for the Floyds Fork Special District in some key areas. In its current form, though, it would not meet the goals of preserving and enhancing Floyds Fork & its natural environment - goals clearly and repeatedly expressed in Metro Council Resolution 071 Series 2022, Plan 2040, the original Floyds Fork DRO intent, and the adopted South Floyds Fork Vision Plan(SFFVP).

We are appending an independent professional engineer's assessment of our recommendations from the Center for Watershed Protection that finds them " in keeping with current best practices for watershed and stormwater management."

We urge you to adopt the current draft *with the attached revisions* that will help this document meet its goals, by adding tree canopy preservation, adding buffers around new development, limiting impervious surface, limiting light pollution and helping to preserve the unique character of the Floyds Fork Special District.

Respectfully Submitted,

The Floyds Fork Coalition,
By Its Members:

Fisherville Area Neighborhood Association,
Floyds Fork Environmental Association,
Friends of Floyds Fork,
Louisville Keep Your Fork,
Eastwood Village Council,
Greater Louisville Group of the Sierra Club,
Trees Louisville
The Future Fund, Inc.,
Jefferson County Soil & Water Conservation District,
The Floyds Fork Conservancy,
Citizen Coalition for Land Development Code Reform
5300+ Petition signers @
https://www.change.org/p/help-louisville-protect-floyds-fork?source_location=search



11711 East Market Place, Suite 200 | 410.461.8323
Fulton, MD 20759 | www.cwp.org

March 18, 2024

Jeff Frank
Friends of Floyds Fork

Dear Jeff:

Per your request, I reviewed the Low-Impact Development Standards that are proposed to be inserted into Chapter 4 of the Land Development Code for Jefferson County.

In general, I find them to be in keeping with current best practices for watershed and stormwater management. Several key items from the proposed standards align with the Center for Watershed Protection's philosophies and guidance, including:

- Encouragement of cluster development
- Buffer protection for waterways
- Preservation of tree canopy
- Minimizing impervious cover

The Center for Watershed Protection is a national non-profit organization that works to advance clean water resources and healthy ecosystems through responsible land and water management.

Sincerely,

A handwritten signature in blue ink that reads "Greg Hoffmann".

Greg Hoffmann, P.E.
Director of Stormwater Services

Floyds Fork Coalition
Proposed Changes for 22-LCD-0006

1. 3.1.1A.2.b - The blanket utility exemption granted here conflicts with the utility prohibition in 3.1.3 C.2. Please resolve.

2. Threshold Table 3.1.1.
Change Community Facility Review (CFR) exemption to Tier 2
Change 21st Century Parks exemption to Tier 2. Strike the 21st Century Parks Endowment from exemption.

3. 3.1.3 Design Standards - P&D added in the Intent section “rural landscape ” as a goal— with no rural design provisions provided in the document. Please add the following:
Neighborhood Character
 - a. Rural character refers to patterns of land use & development where open space, natural landscapes, & vegetation are predominant over the built environment.
 - b. All development shall preserve the Floyds Fork Special District's rural neighborhood character.
 - c. All development shall use landscaping consistent with the rural character of the Floyds Fork Special District.

4. Stream Buffer Table 3.1.3
Please change the intermittent stream buffer to 50 feet

5. Trees 3.1.3.C.
Please add minimum tree canopy preservation requirements below:
 - A. Trees and Vegetation
 1. No trees shall be removed from buffer areas.
 2. Minimum percentage of trees will be preserved per the following formula:
 - a. Minimum preserved % of trees = 85% minus (0.25 x Existing Canopy %)
 - b. If the resultant percentage is less than 50% of the site area, then plant trees at 1200 sq. ft. credit /tree to reach a site canopy of 50%.
 3. Any major development is required to perform a tree inventory.
 - a. Aerial imaging can be used with ground verification by certified arborist.
 4. No grading within the minimum preserved tree areas. Trees to be retained, over the required minimum, must be protected from disturbances within 50 feet of their dripline. When grading within wooded areas is necessary, disturbed areas shall be seeded to shade tolerant plant species and mulched with straw.

6. Buffers 3.1.3.F.

Please add:

F.3. New construction shall provide a minimum 25' vegetative buffer around development site perimeter. (This follows SFFVP Recommendation 10E for continuous wildlife corridors)

Fisherville Road, Old Henry Road, Rehl Road and Taylorsville Lake Road need to be added to MAP A.

7. Impervious Surface 3.1.3.G.,

Please amend the impervious surface limits and add the yellow highlighted language.

Text in black is in the current version –

Add to Drainage and Water Quality Section 3.1.3D -

1. Areas identified as wetlands in studies approved by government agencies shall be preserved in their natural state. Drainage, flooding patterns and any hydrologic system(s) needed to sustain the wetlands shall not be altered unless permitted by the appropriate agency(ies).
2. Areas identified as former wetlands (possessing hydric soils or designated as Prior Converted Cropland (PCC)) shall be identified, evaluated for restoration and restored to wetland conditions where practicable.
3. Developers of major subdivisions shall plant, water and maintain vegetative cover on graded slopes on each unsold property until all properties have been sold.
4. For all development the applicant shall minimize the impervious surface footprint of the proposed development and its associated stormwater impacts to the maximum extent feasible.
5. For all developments the applicant shall:
 - a. Utilize Chapter 18 of the MSD Design Manual or other LID/GI (Low Impact Development – Green Infrastructure) practices utilizing proven technologies to mitigate the associated storm water impacts of the proposed development prior to discharge from the subject property.
 - b. Increase onsite stormwater detention volume to the 95th percentile storm event to improve water quality and limit erosion due to stormwater runoff (i.e., from the current 0.6" of rainfall (80th percentile) to 1.2" (95th percentile first flush rainfall capture)).
 - c. For developments with >10% impervious surface levels the applicant shall mitigate stormwater runoff such that the final discharge from the site is no more than the equivalent of the stormwater associated with a 10% impervious cover. This result may be achieved using a combination of site specific mitigation strategies including but not limited to:
 - i. Strategies that capture and reuse runoff

ii. Strategies that provide for significant stormwater quality improvement prior to discharge

iii. Strategies that create or reestablish infiltration pathways or provide wetland recharge

6. Developments with proposed impervious surface in excess of 20% shall be prohibited, regardless of development type or character.

7. Detention and water quality basins shall not count towards any open space requirements for the proposed development.

8. Lighting 3.1.3.H.

Delete H.1.e. – Blanket exemption of streetlights

H.3. Change maximum CCT from 3000K to 2700K

9. Signage 3.1.3.I

Please add: I.5. All signage shall be externally lit.

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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John C. Talbott
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March 21, 2024

The Louisville Metro Planning Commission
Brian Davis, AICP
Assistant Director
Office of Planning
Louisville Metro Government
444 S. Fifth St. #300, Louisville, KY 40202

RE: Floyds Fork Special Zoning Overlay District

Dear Mr. Davis and the Planning Commissioners:

On behalf of the Building Industry Association (BIA), we are writing to provide some thoughts and comments on the current draft of Floyds Fork Special Zoning Overlay District (FFSZOD) regulations.

As members of the BIA, we collectively represent more than 6,000 individuals, within the building industry, a sector that not only provides livelihoods but also plays a pivotal role in addressing one of Louisville's most fundamental needs — housing. Each year, our industry provides necessary places to live for thousands of people in our City, underscoring the BIA's vital contribution to community welfare and prosperity.

The urgency of our discussion today is underscored by recent findings from the Mayor's My Louisville Home Report. As his report noted, home and rental prices have been escalating, pricing many out of home ownership, and more concerning, even making rentals out of reach for many. From 2016 to 2021, home prices surged by 48%, and rental prices saw a 37% price increase. This alarming trend is compounded by the scarcity of available land, exacerbated further by the imposition of new regulations, limiting the supply of places to live, and increasing the price of the ones that are able to be built.

The Floyds Fork Development Review Overlay (FFDRO) was promulgated in 1993 when our Land Development Code (LDC) and MSD regulations had little in the way of protecting sensitive environments and waterways, such as Floyds Fork. At that time, the LDC was devoid of

regulations concerning critical aspects such as tree canopy, stream protection, hillsides, lighting, water quality, soils, and more.

Since that time, however, the regulations under the LDC and MSD have been significantly broadened and supplemented, reducing the necessity of more regulations. Some have made the argument that Floyds Fork should be more protected than the significant increase in standards over the last 30 plus years. However, David Johnson, the Chief Engineer at MSD, testified before the Planning Commission on November 30, 2023, that Louisville has some of the most restrictive regulations protecting floodplains in the entire country. We must be very cautious when adding additional obstacles to building places for people in our community to live.

While the intent behind these regulations is undoubtedly noble—to safeguard our environment—let us not overlook their significant impact on the affordability of homes in our community, the necessity of appropriate growth to maintain the largest urban center in Kentucky, and the equity of providing access to Floyds Fork for more than just multi-million dollar homes on large tracts.

Metro Council issued a directive to analyze and revise the FFDRO to eliminate redundancies, to provide clear standards, and to reflect current needs and conditions. Current needs and conditions certainly includes protection of the environment, but it also includes broader community priorities, such as equity and providing accessible places to live for more than just the most privileged in our community. As representatives of the building industry, we have diligently focused on complying with Metro Council’s directive.

As we contemplate and consider the imposition of new regulations, we must proceed with caution. There is a real risk that overly restrictive regulations will simply push home and population growth to neighboring counties, exacerbating the affordability problem within Jefferson County, burdening our City with the costs of growth, but at the same time depriving it of the associated tax benefits.

Despite these challenges, I want to emphasize the industry's commitment to collaboration and responsible stewardship. We have made significant concessions which cannot be overemphasized. The buffers for Floyds Fork have been extended to a total of 400 feet on both sides of Floyds Fork. We also agree to total buffers of 200 feet on perennial streams, and a total of 50 feet on intermittent streams. While we do not agree to the nearly complete elimination of development in the regulatory floodplain, we understand that is likely where this regulation is going due to the lack of modeling of the conveyance zone in the FFDRO area. We would hope that once modeling is completed, that the conveyance zone would become the standard.

Yet, as we move forward, there are key areas where we respectfully request reconsideration. We propose the following modifications:

- I. **Waivers under Section 11.12:** The current Section 11.12 Waiver Standards are effectively impossible to satisfy, and they deprive the Planning Commission of any ability to exercise responsible discretion where necessary.

The regulations currently provide that a waiver should not be granted if there is any change to the health of the waterways or any impact on the visual quality of the waterways. While seemingly innocuous, the requirement to show that there is not “any” change, regardless of how insubstantial, and regardless of whether the impact is mitigated, for practical purposes means waivers will never be allowed. The meaning of the standards are also not clear.

Instead, we propose the following language to replace what is currently in Section 11.12:

- (a) The waiver or modification shall contain mitigation provisions for the health of the waterways of the Floyds Fork Special Zoning Overlay District
- (b) The waiver or modification will not significantly impact the visual quality of the waterway buffer or designated Floyds Fork Special Zoning Overlay Scenic Corridor

- II. **MSD variance/waiver approvals:** Currently there is direct and indirect overlap of MSD regulations and this draft of the FFSZOD. The draft specifically states that MSD’s regulations are not overridden, but they effectively are. Additionally, in the event that MSD provides a variance or waiver, an applicant will still have to come to the Planning Commission on the exact same question. This situation is not economical and it adds to the byzantine layers of regulations already in Louisville, which Metro Council specifically directed us to avoid.

Also, MSD is very stingy about providing relief on its regulations. Any time that it does, it is subject to review by FEMA, and further risks losing access to federally provided flood insurance for homeowners in Louisville, and access to FEMA disaster funds. There is no risks of MSD gratuitously granting waivers and variances.

Consequently, an MSD variance or waiver should be binding on the Planning Commission to avoid redundancy and duplication.

- III. **Table 3.1.3.** Currently this table provides a buffer zone on perennial (Blue line Streams) of 50 feet streamside Zone, 50 feet Middle Zone, and 25 feet Outer Zone. Collectively, this provides 250 feet of buffering on perennial streams. We believe that the Middle Zone buffer should be returned to what the Planning Commission staff originally set forth being 25 feet on each side of the stream, resulting in a total 200 foot buffer. Any development in Floyds Fork will already be exceedingly difficult, and this is an unnecessary expansion.

- IV. **3.1.3 Major Subdivisions:** The current draft allows for a handful of Major Subdivisions, but specifically excludes more typical R4 and R5 subdivisions. We propose that these should be allowed if they provide 30% open space just like the other allowed subdivision tools. The goal is to provide the open space, so if R4 and R5 subdivisions provide this space, along with compliance with the many other regulations, then there is no reason to restrict these options.
- V. **3.1.3(C)(2) Trees and Vegetation:** We feel that the current regulation is too restrictive for areas separating adjacent land uses in “buffer yard” areas. The current language would prohibit the very real necessity utility access. As a result, we propose the following change to the language:

Where the buffer yard contains trees of at least four (4) inches in caliper, it shall be designated a Tree Canopy Protection Area (TCPA) ~~and no utility easements shall be permitted to encroach in the TCPA.~~

- VI. **3.1.3(D)(1) Drainage and Water Quality:** We feel that the current regulation is too restrictive and also creates unnecessary duplication. As a result, we propose the following change to the language:

Areas identified as jurisdictional wetlands in studies approved by the US Army Corps of Engineers shall be preserved in their natural state ~~unless mitigated as approved by the US Army Corps of Engineers.~~ Drainage, flooding patterns and any hydrologic system(s) needed to sustain wetlands shall not be altered unless allowed or permitted by the US Army Corps of Engineers.

In conclusion, let us remember that the ultimate goal of land planning certainly includes the environment and protection of Floyds Fork. But those goals also include the creation of communities that are equitable, sustainable, resilient, and inclusive. We should strike a balance to ensure that our regulatory framework serves the best interests of both present and future generations, and avoid preventing all development for the favor of only a privileged few who currently live on Floyds Fork.

Best personal regards,

Sincerely,

John C. Talbott



FLOYDS FORK ENVIRONMENTAL ASSOCIATION

1-4-24

TO: Planner Brian Davis, brian.davis@louisvilleky.gov and Planning Commissioners

SUBJECT: *Docket #22-LDC-0006, Floyds Fork Special Zoning Overlay District*

REQUEST: *Please share these comments with all Planning Commissioners and place in the official case file.*

Reference: <https://louisvilleky.gov/government/planning-design/floyds-fork-dro>

To the Planning Commission,

We are grateful the FF DRO will be changing to enforceable regulations.

Respectfully we wish to

- maintain the rural character of the area;
- not build on slopes of 20% or greater (Fisherville had a huge mud slide when Mr. Adrian Freund was Planning Director (he saw it);
- provide connectivity for wildlife corridor;
- retain treed areas, understory, and environmental features;
- retain filtered views from roadway;
- retain viewsheds; retain scenic roadways
- retain the original 20 streets designated as scenic corridors Chapter 3 Part 1 FF Special District Land Development Code instead of the proposed 11 (some not in the original FF DRO are listed (shown on page 14 of 17); however, it is fine to add more than 20 streets but shall include the original 20 streets at a minimum. **See the maps attached below.**
- focus on water quality/healthy streams; - Morris Fork and overflows
- maintain the aesthetics;
- retain there be no barrow pits; retain wetlands & hydric soils
- request CFR's (Community Facility Reviews) have a notice sign posted and notice to 1st and second tier properties and that these not be EXEMPT but public input and/or hearings allowed. We have a barn like structure for a sewer pump station on scenic Seatonville Road with trees and vegetation because we were afforded a public hearing and could suggest this design. Communities should be able to be involved in CFR's.
- and we request all decisions are made only in public formats, etc., i.e., in sunshine and not made by only the Planning Director or designee.

Additionally we request: *a also form a balanced FF Advisory Committee to make recommendations which is MC concern.*

- The Parklands and 21st Century to be included in the regulations and not be exempt,
- But they must obey mandated changes that will be forthcoming.
- Master Plans can always be amended to follow regulations created by legislative bodies.
- Parklands/21st Century does own properties along the main stem of Floyds Fork Creek with its floodplain plus many tributaries with their floodplains. They own miles along the **main stem that is most relevant to protect** out of the ~ 4,000 acres; however, Future Fund owns over half of this acreage but did not ask for TOTAL EXEMPTION.

Thus, it is essential all, including Parklands and their Endowment, obey the new standards/regulations/laws that will be voted on by Planning Commission and then Metro Council and signed by Mayor Greenberg which everyone else must follow; otherwise, all property owners shall be able to ask to be exempt.

Please strike and remove the TOTAL EXEMPTION granted to date by PDS Director Jeff O'Brien/Brian Davis per several emails (attached) of collaboration between Parklands/21st Century Parks Endowment personnel in their agreement which has been kept away from public domain until now. Quote:

"Properties and facilities subject to The Parklands of Floyds Fork Master Plan and amendments thereto, to include all properties within The Parklands of Floyds Fork and those owned by The 21st Century Parks Endowment" Note: this is marked as EXEMPT.

This **☹** TOTAL EXEMPTION is not acceptable whatsoever.

- Additionally, 21st Century Parks Endowment, a Foundation, purchased land and is involved in development of land purchased around Oakland Hills for apartments (maybe 300?) and selling lots to developers for several hundred houses. Additionally, their Endowment has properties at Trestle Point on Pope Lick Road and other holdings.
- Note also that Planning can give WAIVERS to any developers/developments, but this should occur in a public venue and not behind closed doors - Justice Brandeis said "sunshine is the best disinfectant".

INTEGRITY:

Notice of Violations and a **STOP WORK** order were placed on Parklands/21st Century when they began work to create a Trailhead to Turkey Run Park at 6510 Echo Trail. They lacked permits from Transportation for road work and parking spaces; Planning & Design Services – should review anything with 10 parking spaces or more but this was swept away; Health Dept. never notified for septic system work; etc. and Parklands/21st Century should not be allowed to operate with impunity to disobey government but must be treated like all. As mentioned, they can get waivers like any other developments, but this should be done in sunshine and not in darkness.

Thank you.

Sincerely,

Sheron Lear,
President and Co-Founder 1991
Floyds Fork Environmental Association
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Louisville, KY 40291
sheronlear@gmail.com

Ray Ehlers
Vice President
Floyds Fork Environmental Association
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Teena Halbig 
Co-Founder 1991, Clean Water Chair (includes PFAS)
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TeenaHal@aol.com

Maps attached below:

- First MAP: is the original map with a list of 20 streets as scenic corridors and
- Second MAP: is a NEW PROPOSAL for 11 streets instead - some of the roads were not in the original 20; however, more streets are fine – but how were the determinations made and who made the changes?