

ON MONDAY, DECEMBER 6, 2021, THE BOARD OF ADJUSTMENT HELD THEIR MEETING IN THE 3rd FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

PLEDGE OF ALLEGIANCE

Chairman Turney called the meeting to order.

MEMBERS PRESENT: Tim Turney, Ken Winkfield, Lonnie Estes, David Prewitt. **ABSENT:** Bart Shockley.

MINUTES: A motion was made by Mr. Winkfield, as seconded by Mr. Prewitt, to approve the October 4, 2021 minutes, as submitted. The motion carried with four (4) aye votes.

PUBLIC HEARING - Application #12-021-2021- Conditional Use Permit – Deborah Bishop – 609 Oxford Rd – R-1B District – Article VII, Section 706.4 & 705.4(H); Article V, Section 507 (A-R); Article II, Def. #212 - Owner is seeking a Conditional Use Permit to operate a 2 bedroom Bed and Breakfast/Inn as a vacation business rental with up to four guests.

Chairman Turney noted that the applicant was ill and would not be in attendance and declared the hearing open and called upon Josh Stevens, Building and Zoning Inspector, for comments. Mr. Stevens noted that the owner was requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn Vacation rental located on the property known as 609 Oxford Road. The structure is listed as a one and a half story, four bedroom, three bathroom home, with a total of 2130 square feet of living space. The house was constructed in 2001. In June of 2001 a CUP was approved for a one station, one operator, beauty salon in the home. Mr. Stevens noted that the principal use of the property was single family. The B&B will be available Thursday-Sunday. The hair salon will be shut down completely during B&B occupation. The property appeared to be of sufficient size to accommodate the proposed use. The Site Plan shows that there is adequate space to accommodate the proposed B&B.

Mr. Stevens provided the Ordinances for the request in the staff report. All public notifications were met.

Mr. Stevens provided twelve (12) suggested conditions in addition to 507 (A-R) to be included if the Board approves the request and highlighted eight (8) of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Building Inspector and the Woodford County Health Department prior to operation of the B&B.
3. **The Owner, Lessee, or Owners agent must reside on the same property as the B&B.**
4. **The Conditional Use Permit shall be personal with Deborah L Bishop and shall become null and void upon the sale, rent or lease of the property to any other party.**
5. The applicant shall return to the Board prior to ANY changes to the approved conditions.
6. This Conditional Use Permit will be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.
7. **Limit overnight guests to 4.**
8. **Limit overnight Parking to 2 vehicles.**

9. **No music or unnecessary noise or lights outside the dwelling.**
10. **No Parties**
11. **Guests may have a max of 2 non overnight visitors with 1 vehicle to be gone by 10pm.**
12. **Hair Salon operation will be closed during B&B occupancy. B&B will be available Thursday-Sunday but may alter days as long as hair salon is not in operation.**

Chairman Turney asked if any members had questions regarding the staff report. Hearing none, Chairman Turney asked if anyone from the public wished to speak. Hearing none, Chairman Turney closed the hearing and asked for a motion to approve or deny the request.

A motion was made by Mr. Winkfield, as seconded by Mr. Prewitt, to approve, based on the record and staff report, Application #12-021-2021- Conditional Use Permit – Deborah Bishop – 609 Oxford Rd – R-1B District – Article VII, Section 706.4 & 705.4(H); Article V, Section 507 (A-); Article II, Def. #212 - Owner is seeking a Conditional Use Permit to operate a 2 bedroom Bed and Breakfast/Inn as a vacation business rental with up to four guests, with the twelve (12) conditions as noted. The motion carried with four (4) aye votes.

PUBLIC HEARING – Application #12-022-2021 – Conditional Use Permit – David & McGehee Marsh (owner) and Robin & Sean Featheringill (applicant) – 233 Rose Hill Avenue – OHR-2/CO-1 Districts – Article VII, Section 708.4(A), 705.4(H); Article V, Section 507 (A-R); Article II, Section #212 – Owner/Applicants are seeking a Conditional Use Permit operate a Bed & Breakfast/Inn consisting of eight guest suites and food service for registered guests in addition to traditional breakfast; and fifteen special events per year with maximum 75 persons per event.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the Applicant was seeking a Conditional Use Permit to operate a Bed & Breakfast operation with 8 guest suites and food service for registered guests in addition to traditional breakfast, and 15 special events per year with 75 persons per event. The structure is listed as a two story, seven bedroom, seven bathroom home, with a total of 7884 square feet of living space. The house was constructed in 1838. There have been many approved CUP applications with this property throughout the years dating back to August 3, 1992 case number 08-025-92. The property appeared to be of sufficient size to accommodate the proposed use. The Site Plan shows that there is adequate space to accommodate the proposed B&B.

The staff report provided the associated Ordinances for the request. All public notifications were met.

Mr. Stevens provided eleven (11) suggested conditions in addition to 507 (A-R) to be included if the Board approves the request and highlighted seven (7) of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Building Inspector and the Woodford County Health Department prior to operation of the B&B.

3. **The Owner, Lessee, or Owners agent must reside on the same property as the B&B.**
4. **The Conditional Use Permit shall be personal with Robin & Sean Featheringill and shall become null and void upon the sale, rent or lease of the property to any other party.**
5. The applicant shall return to the Board prior to ANY changes to the approved conditions.
6. This Conditional Use Permit will be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.
7. **Guest suites shall be limited to 8.**
8. **No more than 15 special events per year.**
9. **No amplified music outside, and all music to cease at 10pm.**
10. **No more than 10 vehicles parked onsite, with event guests parking in offsite parking or being shuttled to the Inn by Rose Hill Inn or contracted vendor. On street parking will not be permitted by Inn guests or event guests at any time.**
11. **Provided food service for registered guests in addition to traditional breakfast service shall be regulated by the Health Department. In no case may food be prepared on-site at the establishment and catered to an off-site location.**

Chairman Turney asked if any members had questions regarding the staff report. Hearing none, Chairman Turney called upon the applicant for comments.

The applicants were present but did not have any comments.

Chairman Turney asked if anyone from the public wished to speak. Hearing none, Chairman Turney closed the hearing and asked for a motion to approve or deny the request.

A motion was made by Mr. Prewitt, as seconded by Mr. Estes, to approve, based on the record and staff report Application #12-022-2021 – Conditional Use Permit – David & McGehee Marsh (owner) and Robin & Sean Featheringill (applicant) – 233 Rose Hill Avenue – OHR-2/CO-1 Districts – Article VII, Section 708.4(A), 705.4(H); Article V, Section 507 (A-R); Article II, Section #212 – Owner/Applicants are seeking a Conditional Use Permit operate a Bed & Breakfast/Inn consisting of eight guest suites and food service for registered guests in addition to traditional breakfast; and fifteen special events per year with maximum 75 persons per event, with the eleven (11) conditions. The motion carried with four (4) aye votes.

PUBLIC HEARING - Application #12-023-2021 – Conditional Use Permit - Amerco Real Estate Company (Owner)/Gurnoor Kaur (Applicant) –501 Marsailles Road - B-4 District- Article VII, Section 716.4 – Owner/Applicants are seeking a Conditional Use Permit for climate controlled personal indoor storage facilities.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that The Owner/Applicant is seeking a Conditional Use Permit for climate controlled personal indoor storage. Per Zoning Ordinance Text Amendment dated July, 8th 2021, Climate controlled personal indoor storage facilities are permissible conditional uses in the B-4 zone as long as all conditions of the text amendment can be met. The proposed U-Haul climate controlled indoor personal storage facility is located in the building previously occupied by K-mart. Approval for construction and occupancy of the K-

mart building was granted in 1991, and 1993 respectively. The current owners purchased the building in December of 2017. The owner/applicant's property appeared to be of sufficient size to accommodate the proposed use. The Site Plan shows that there is adequate space to accommodate the proposed climate controlled indoor personal storage, as permitted by Article VII, 716.4(B) as long as the Conditions proposed by the owner/applicants, as supplemented by the BOA are adhered to.

The staff report provided the associated Ordinances for the request. All public notifications were met.

Mr. Stevens provided twelve (12) suggested conditions to be included if the Board approves the request and highlighted eight (8) of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. Owner/Applicants shall comply with all federal, state and local regulatory entities and shall provide copies to the Planning Commission office of any and all permits issued on behalf of the Applicant as a result of the approval of the CUP.
3. **The Conditional Use Permit shall be personal with AMERCO Real Estate Company/U-Haul and shall become null and void upon the sale, rent or lease of the property to any other party.**
4. Owner/Applicants shall return to the Board prior to ANY changes to the approved conditions with the CUP.
5. This C.U.P shall be reviewed annually for compliance with all noted conditions, and then when necessary by the Board, to ensure compliance with these conditions.
6. **Per text amendment 716.4 (B), climate controlled personal indoor storage facilities must be located in an existing structure consisting of greater than 80,000 square feet of space, individual unit doors cannot be visible from any street or road, and can only be used for individual personal storage (not industrialized commercial storage).**
7. **No businesses shall be operated from the storage rooms.**
8. **Light pollution shall be controlled with directional lighting, warm color and low level lighting, and downward facing lights on building, and at borders of property.**
9. **No storage of hazardous materials including chemicals, flammables, and paint.**
10. Existing landscaping shall be maintained and any new or previously required landscaping requirements shall be added if not already completed.
11. **Customers will have access to facility during listed store hours of operation (attached to application). Less than 5% of customers will have access to their units on a 24 hour basis. 24 hour access cards shall only be issued to customers in good standing with the company, who have passed background checks, and who are considered trustworthy to access afterhours.**
12. **Customers and community residents who wish to use the on-site dumpsters for disposing of refuse must gain permission to do so and are assessed an additional fee. This U-Haul facility will utilize the existing dumpsters on location, and these dumpsters will only be accessed during the office hours.**

Chairman Turney asked if any members had questions regarding the staff report. Hearing none, Chairman Turney called upon the applicant for comments.

The applicants were present but did not have any comments.

Chairman Turney asked if anyone from the public wished to speak. Hearing none, Chairman Turney closed the hearing and asked for a motion to approve or deny the request.

A motion was made by Mr. Winkfield, as seconded by Mr. Prewitt, to approve, based on the record and staff report, Application #12-023-2021 – Conditional Use Permit - Amerco Real Estate Company (Owner)/Gurnoor Kaur (Applicant) –501 Marsailles Road - B-4 District- Article VII, Section 716.4 – Owner/Applicants are seeking a Conditional Use Permit for climate controlled personal indoor storage facilities with the twelve (12) conditions. The motion carried with four (4) aye votes.

PUBLIC HEARING - Application #12-024-2021 – KY Bluegrass Experience Resort – 485 Georgetown Road – A-1/CO-1 Districts – Article VII, Section 701 - Owner is seeking to amend Conditional Use Permit #05-007-2021, Condition #15 FROM: All campsites and facilities shall have City public water and sewer. TO: All campsites and facilities will be supplied with water from Kentucky American Water; all wastewater will be treated by a KY Division of Water KPDES Permitted Facility in compliance with the Clean Water Act.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the Owner/applicants are seeking to amend Conditional Use Permit #05-007-2021; specifically to amend condition #15 “All campsites and facilities shall have City public water and sewer”. If approved the new condition shall be “All campsites and facilities will be supplied with water from Kentucky American Water, and all wastewater will be treated by KY Division of Water KPDES permitted facility in compliance with the Clean Water Act”.

The staff report provided the associated Ordinances for the request. All public notifications were met.

Mr. Stevens provided six (6) suggested conditions to be included if the Board approves the request and highlighted one (1) of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. Owner/Applicants shall comply with all federal, state and local regulatory entities and shall provide copies to the Planning Commission office of any and all permits issued on behalf of the Applicant as a result of the approval of the CUP.
3. Owner/Applicants Conditional Use Permit shall become null and void upon the sale or transfer of the property.
4. Owner/Applicants shall return to the Board prior to ANY changes to the approved conditions with the CUP.
5. This C.U.P shall be reviewed annually for compliance with all noted conditions, and then when necessary by the Board, to ensure compliance with these conditions.
6. **Owner/Applicant will adhere to all approved conditions from the previous CUP case #05-007-2021, except, the condition “All campsites and facilities shall have City public water and sewer” shall be amended to read, “All campsites and facilities will be supplied with water from Kentucky American Water, and all wastewater will be treated by KY Division of Water KPDES permitted facility in compliance with the Clean Water Act” (Refer to attached Minutes).**

Chairman Turney asked if any members had questions regarding the staff report. Hearing none, Chairman Turney called upon the applicant for comments. Chairman Turney noted that they had received several copies of emails and letters from the public (exhibit list is attached). Chairman Turney noted that the only item being discussed is water and sewer. Counsel for each side will be given a total of thirty minutes to present comments.

Hank Graddy was present representing the owner. Mr. Graddy noted that their request was to change only Condition #15 in the approved CUP #05-007-2021; that condition required that all campsites and facilities shall have City public water and sewer. Mr. Graddy distributed a letter and exhibits (Exhibit 21) to all board members. Mr. Graddy noted that his letter was asking to amend condition #15 because the City of Midway voted unanimously to deny the request for water and sewer. Mr. Graddy noted that his client looked at different options and chose to go directly to Kentucky American Water to provide water to the property and they have confirmed via letter that they have availability and capacity to provide water to the site. Mr. Graddy noted that the letter from the Childers Firm (Exhibit 13) does not have opposition to the water source. The topic before the board related to an alternative method of treating the wastewater from the facility and they asked to be allowed to install a packaged treatment plant on their property. The site was identified on the map provided with the application. They proposed to install Sabre Sequencing Batch Reactor (SBR) Wastewater Treatment System in order to comply with the clean water act. Mr. Graddy noted that they did not believe they had the legal right to go to the Division of Water and ask for a permit for onsite facility until after they have come before the Board of Adjustment (BOA), in order to take that step they would have to come back to BOA because it had been previously established as condition #4 states that before any changes are made to the plan they have to be presented to BOA for review.

Mr. Graddy reviewed the Preliminary Calculation document, dated May 27, 2021, that was presented to Midway City Council on June 7, 2021 and shows a total capacity need for the proposed site at 93,000 gallons per day. Mr. Graddy noted that they have revised calculations and they all came in under 100,000 gallons per day. Mr. Graddy shared a two page email with Kentucky Division of Water. Mr. Graddy called upon Patrick Deming with CMW Architects.

Mr. Deming noted that he was a Professional Engineer with over 25 years of experience and noted that CMW had done thousands of wastewater projects and he had personally been involved with hundreds of projects. After Midway turned down KBER connecting to their sanitary sewer system, Mr. Deming was asked by KBER to look into the best solution to treat the wastewater of their project. Through his research he found EarthTek's SBR packaging plant to be the best environmental solution for the project. Mr. Deming noted that CMW would work closely with EarthTek to insure design and construction meets local, state and federal requirements. Joey Svec contacted Mr. Deming and requested that he find the best package treatment plant because Andrew Hopewell plans to live downstream from the resort facility on the Elkhorn Creek. Mr. Graddy called upon Kevin Chaffee with EarthTek.

Mr. Chaffee noted that he was a professional engineer and works for EarthTek which is based out of Batesville, Indiana. He has been designing wastewater systems for 39 years and has had his own company since 1989. They build, design and furnish package wastewater systems across the country. Mr. Chaffee noted that they installed an SBR system off the coast in Belize for a cruise line. Mr. Chaffee noted that he had met with KYDOW in the past to get the SBR system approved for another project; the DOW cannot give per-approval and require actual application for a real project with plan drawings before they would

issue a permit. That project never went through. Mr. Chaffee contacted DOW again when he was contacted by KBER and was told that they were open to new technologies. The DOW approves systems on the 10 State Standards and all of EarthTek's systems are designed to such standards and Mr. Humphries with DOW did not think there would be a problem getting the system approved. Mr. Graddy asked Mr. Chaffee what the Ohio Standards were and are those in addition to the 10 State Standards and explain meeting those requirements. Mr. Chaffee noted that all of the systems in Ohio discharge the effluent into dry weather streams; which means in the dry summer weather the only water in the stream is the effluent from the wastewater plant and has to be really clean. Mr. Chaffee noted that they recommended the SBR system for the resort park based on the technology of the system and all system information was provided to the Board members. The systems are able to be monitored remotely. Mr. Chaffee discussed a couple of systems installed in Ohio with failed septic systems. Mr. Chaffee noted that the SBR system treats nitrogen and phosphorus and they disinfect all wastewater before discharging using UVA lights. Mr. Chaffee noted that they are in the environmental business and produce clean water.

Mr. Graddy addressed one of the criticisms that they had received from the opposition; that the RV Resort should not be a Conditional Use in the Agricultural zone. Mr. Graddy noted that someone had suggested a zone change to commercial or another zone such as conservation and that it was not a proper use for agricultural land. Mr. Graddy noted that the Conditional Use Permit is the best protection for the county because it requires an annual review by planning staff on the conditions as set by the Board and assures the public that they operate the business in a way that is not adversely impacting the people of Woodford County. Mr. Graddy asked the Board to consider and support the amendment to the existing Conditional Use Permit and seek to get a KPDES permit, which Mr. Graddy corrected the acronym from "KPDS" that was on the application as submitted.

Chairman Turney called upon the opposition for comments.

Bethany Baxter, representing Midway Concerned Citizens, a group of nine individuals who are residents of Midway and Woodford County. The group includes: Sara Day Evans, Chris Batts, Dottie Cordray, Doug Farmer, George Baxter, Helen Roach, Joyce Evans, and Libby Jones. Ms. Baxter noted that a letter (Exhibit 13) had been submitted from the law firm on behalf of the group and it was distributed to the Board. Chairman Turney noted that the Board had received various emails from individuals in support and opposition. Ms. Baxter urged the Board to deny KBER their request to amend condition #15 of their Conditional Use Permit which was approved in May 2021. The Board of Adjustment's authority of to approve conditional uses that promote public health, safety and welfare. Ms. Baxter noted that in May the Board approved a condition that the water and sewer be managed by the public municipality. Condition #15 is consistent with Board's mandate to promote the public health and environmental safety and the clients applaud them for including the condition in the original permit. Ms. Baxter noted that the amendment that they were being asked to approve did not promote the public health and safety and the Board should not allow KBER to build a private wastewater treatment plant. The property is zoned agriculture and it is meant to preserve the property's rural character. Ms. Baxter noted that the Tourist Destination Expanded Use was created to promote tourism in the overall economy. The landmarks that they claim to be preserving in this instance are actually being destroyed and degraded by the activities there and would be further degraded if the Board were to amend Condition #15. Ms. Baxter noted that KBER had identified the rolling hills of central bluegrass as a landmark that they are intending to preserve; but what they are proposing to do is pave over those rolling hills with up to a thousand concrete pads and roads. The second landmark that the applicant pointed out was the karst topography illustrated by natural

spring stream sink. It is the stream sink that is at great risk due to runoff and pollution associated with thousands of visitors and hundreds of RV's; that degradation will be amplified by approval of a private sewage treatment plant. The third landmark that was being promoted is the South Elkhorn Creek. In addition to runoff and pollution, it's likely that a private wastewater treatment plant will discharge its effluent into South Elkhorn Creek. If the treatment plant were to fail, it would be discharging untreated sewage into the Elkhorn Creek, at a rate of apparently 92,000 gallons a day. Ms. Baxter noted that they are destroying the very thing that KBER claims to be promoting. Ms. Baxter noted that the City of Midway unanimously voted not to extend water and sewer service to KBER and have signaled to the Board that this is not what Midway wants or needs, certainly not at this scale. Ms. Baxter noted that there was documented history in the state and others of seeing private package plants in disrepair and result in huge environmental disasters. The communities end up with raw sewage running through their streams and with contaminated ground water. The private outfits cannot or will not maintain the private package plants and over time it is the municipalities that are asked by the Public Service Commission or the Energy & Environment Cabinet to take over the failed plants. The public ends up footing the bill and the waters of the commonwealth that suffer. Ms. Baxter noted that this was not the legacy that her clients wanted for their community or the Elkhorn Creek. Ms. Baxter noted that Mr. Azevedo of Georgetown Municipal Water and Sewer wrote a letter (Exhibit 14) in opposition and was joined by the Mayors of Midway and Versailles, Mayor of Georgetown, Scott County Judge Executive and the WEDCO District Health Department. Ms. Baxter noted that it was unprecedented to see all of the municipalities banding together in opposition to the package plant and cautioned the Board to take their positions very seriously. The remedial measures that Scott County is having to deal with is costing tens of millions of dollars to fix failed plants and they were probably approved by the state, at one point complied with the clean water act and futurized but the risks are too high. Ms. Baxter asked the Board to deny the request to amend Condition #15.

Ms. Baxter made a few comments regarding the KPDES permitting process. It is a process that requires that they provide plan specifications and allows parties to undergo a pre-approval process with a level of detail with Division of Water. Ms. Baxter noted that there was no reason why the Board should not have had that same level of detail tonight in trying to make a decision about whether or not it is the right step for the Conditional Use Permit. The DOW requires consideration of public comment as part of their permitting process and require applicants to submit information about compatibility of their proposed plant with the regional facility plan as well as whether or not there is a regional facility plan available. The group confirmed with the DOW that it would consider the fact that Midway rejected the project and that the opposition had been resounding in considering whether or not to approve the KPDES permit should they have an opportunity to seek one. Ms. Baxter noted that the DOW's regulations give the community a voice in deciding if and how a private sewage plant gets built. The community overwhelmingly opposed the KBER development in part due to the threat it poses to the Elkhorn Creek. The amendment that was being sought further threatened the Elkhorn Creek. The Midway City Council voted 6-0 because they listened to the public comment. Midway City Council heard from hundreds of people and it concluded that 85% of those persons opposed KBER's development. Ms. Baxter clarified that her clients do not support the private package plant even if KBER goes to DOW and obtain the permit if the Board approves the request. Ms. Baxter noted that the Board and DOW are obligated to do what is in the best interest of public health, safety and welfare. Ms. Baxter closed asking the Board to deny amending Condition #15 to allow KBER to build a private treatment plant. Ms. Baxter noted that KBER did reach out to her clients prior to this meeting wanting to discuss the application for the private sewage treatment plant and how to find a compromise. Her clients did not want to have a private meeting with KBER because they are not

the only concerned citizens in the county. Ms. Baxter proposed delaying the application and holding a public meeting where the private sewage plant could be vetted by the general public and discuss the possibility of scaling the project down and reaching some type of agreement. Ms. Baxter noted that KBER refused to hold such a public meeting or delay the application. Ms. Baxter noted that her clients are proposing to KBER to have a facilitated community conversation to discuss a workable compromise and get better information as to the intent and reach some common ground between the community and KBER.

Chairman Turney asked the Board members if they had questions for either attorney. Mr. Estes asked Mr. Chaffee if the certified operator was an employee of EarthTek or someone who is trained, what is a certified operator? Mr. Chaffee noted that in the State of Kentucky if you have a wastewater treatment plant that discharges to a stream, you must have a Kentucky Certified operator to maintain that system; they do tests on the effluent to assure the quality going into the stream meets all of the limits and there are backup systems on all equipment so the systems rarely fail.

Chairman Turney called upon the public to speak. Chairman Turney reminded the public that they would have three minutes for comment and the only thing at issue was the water and sewer.

Julie Fliegel asked the Board to consider the fact that they might grant a permit for a private sewage system to a group of developers who have little, if any, experience in developing this type of project. To the best of her knowledge it would be their first RV Park with a private sewage system and she found that to be very dangerous.

Tanya Davis did not speak but submitted letter (Exhibit 1).

Mary Nuckols, a resident of Midway, noted that she and her husband had traveled in three different RV's for many years and have witnessed what goes on in RV Parks when the sun goes down. Campsites without hookups or non-functioning sewer facilities cause campers to empty their gray water tanks and even their sewage tanks on the ground to keep from making a troublesome trip to the campground pump station. The wastewater would leach into underground streams and then eventually end up in Elkhorn Creek. The reasons this project is unsuitable for the Midway site are almost endless. Midway, Elkhorn Creek and Woodford County are known for their special qualities and unique nature. Inviting inappropriate development would destroy these characteristics forever.

Mike Feeback noted a concern regarding redundancy building to the program in case of a failure. Another concern was the impact that Scott County was opposed to it and if Scott County doesn't take care of their side then is Woodford County going to have to take care of the Scott County waste when that side is developed; will the site be able to handle that.

Margie Atwood, a resident of Midway, noted that at the moment two warehouses are being built directly across from her home. Mrs. Atwood believes that the RV Park would be fantastic and was in favor of it. Mrs. Atwood read a letter that her daughter, Callie Atwood, wrote to the Midway City Council in October 2021 before they denied sewer access to the resort. The letter was in favor of the resort.

Michael Mitchell noted that he and his wife live next to the proposed park and were not in favor of living next to the resort. Mr. Mitchell commented on the BADCAT, Best Available Design; that means it's not

perfect, it's just the best one available. It emits a fairly high quality effort and doesn't mean that it is clean, just fairly high quality. The systems are monitored remotely by a certified technician; that means there is a human element to it and we all know that humans make mistakes. The Conditional Use annual review does not turn back time and at the end of the year emitting sewage into the Elkhorn Creek, it's too late. Mr. Mitchell asked the Board to deny the request.

Sara Hicks, a resident of Midway and Midway City Council member, asked the Board to deny the amendment request. Ms. Hicks noted that she did not know that the initial request was before the Board in May 2021 because she was dealing with getting an aging parent and herself vaccinated. The City of Midway resoundingly let them know that they do not wish the project on the edge of town. Ms. Hicks questioned the condition of the 99 acres once it is covered in concrete, asphalt and gravel. Ms. Hick noted that her family had been farming in Woodford County since 1760 and involved in civic matters in Midway and love the land, springs and rolling hills. They are happy that Woodford County has a master plan to protect farmland and asked the Board to follow that plan and protect farmland. Ms. Hicks noted that Mr. Graddy stated that no horse farm would want to be across from the Industrial Park but she pointed out that the cows and corn don't care. Remote control, distance monitoring of sewage is about as effective as distance monitoring of gas on a gas line.

Grayson Vandegrift, Mayor of Midway, noted that the Tourist Destination Expanded language needed to be changed and believed that it will be changed. Mr. Vandegrift commended the Board about putting the stipulation Condition #15 on the permit. Mr. Vandegrift noted that the council listened to the City of Midway. Mr. Vandegrift spoke to the letter from Chase Azevedo, General Manager of Georgetown Municipal Water Sewer Service, which was signed on by Mayors of Midway and Versailles; Joe Covington, Scott County Judge Executive and Mayor Tom Prather of Georgetown. They signed onto the letter because they know the package plants are an insult to cities. Georgetown has spent over 20 million dollars fixing the problems with three package plants in Scott County. Mr. Vandegrift noted that if the plant were to fail then it would probably have to be taken over by the City of Midway or Woodford County. The City of Midway is in the best financial shape they have ever been in; the industrial park has made it so they can invest in their infrastructure, services, parks and cut taxes 40%; they have made life better for their constituents and he could not imagine throwing all of that away to clean up the proposed mess. As mayor he supervises the wastewater superintendent and his employees that work for him at their treatment plat. A city of 1,700 people; those employees would never work remotely and the idea of operating remotely is dangerous and insulting. Mr. Vandegrift strongly encouraged the Board to deny the request.

Logan Nance, Midway City Council Member, noted that they had a lot of public comment leading up to this meeting. Mr. Nance had concern about where tanks were going to be dumped and asked that question of KBER and that question was met with blank stares as if they didn't know what he was talking about. He noted that the plan was constantly changing and always something new. Now that the City has rejected the plan, again the plan is changing and he was concerned that a plan will not be stuck to. Mr. Nance noted that there was too much risk and asked the Board to deny the request.

Chad Wallace, Magistrate in Scott County, publicly presented a letter from Chase Azevedo, General Manager of Georgetown Municipal Water Sewer Service, Mayors of Midway and Versailles; Joe Covington, Scott County Judge Executive and Mayor Tom Prather of Georgetown. Mr. Wallace summarized the letter of record. Mr. Wallace noted that Scott County and taxpayers of Georgetown have spent over 25 million dollars and the taxpayers of Kentucky have had to clean up the private wastewater facilities. He does not

want to see it happen in any community and hopes that the Board strongly consider denial of any Conditional Use Permit that would allow construction and operation of a private wastewater treatment plant.

Chairman Turney noted that each counsel would have five minutes to speak.

Ms. Baxter noted that there were a lot of people in the room and that the comments speak for themselves and again implored the Board to listen to the ones that have knowledge like Mayor Vandegrift, the people with Scott County Water District because those people have lived it and they know what is in the best interest of the community. They adamantly oppose an amendment to the condition and keep in mind the charge of the Board to implore Conditional Use Permits that promote health, safety and welfare of the community. Ms. Baxter asked the Board to give the people in the room the same information which was provided to them and to have a facilitated public forum that she had proposed earlier to give everyone a chance to consider this and the development in general. Ms. Baxter again asked the Board to deny amending Condition #15 and maintain the requirement that municipal water and sewer be a part of the Conditional Use Permit.

Mr. Graddy noted that following the meeting at the Presbyterian Church in June 2021, he wrote to Mr. Childers to get a meeting to discuss negotiations and as recently as Thanksgiving eve he was turned down and was told that Mr. Childers was not willing to meet to talk about compromise. Mr. Graddy noted that they heard the concerns about the number that was originally proposed and they have completely omitted Scott County. The request is only for sites in Woodford County and removed 77 sites and reduced Phase I to 390 sites and they have never received a response. Mr. Graddy noted that a substantial amount of money had been invested in the farm and they had met with Mayor Vandegrift and the County Judge in June 2020 and the project was well received. They did a feasibility study and bought the farm in November 2020 in reliance upon support that they had and received recommendation from Ag Review Committee and unanimous support from this Board last May and received a congratulatory letter from the Mayor. Then things turned south and they have attempted to modify, meet with and there is no one to meet with. They are in a business that needs sewer treatment and they believe it is a public utility and believe that the City does not have the right to discriminate between popular causes and unpopular causes. They have asked for City sewer and have been denied and now they have presented to the Board to let them try an alternative route to get Clean Water Act permitted facilities that will discharge better effluent water than the City of Midway does. Mr. Graddy reminded the Board that they have the chance to review this Conditional Use every year to see if they are meeting the requirements. Mr. Graddy noted that if and when they could ever meet an agreement with the City of Midway, they would like for them to treat their waste. Mr. Graddy thanked the Board for considering their request.

Chairman Turney closed the hearing and asked for a motion to approve or deny the request. Board members discussed options for action. Chairman Turney noted that the hearing was closed and noted that no further information could be accepted but the Board could do their own investigation but they could not discuss this request with anyone prior to the next meeting.

A motion was made by Mr. Estes, as seconded by Mr. Prewitt, to postpone action due to the substantial amount of information received on Application #12-024-2021 – KY Bluegrass Experience Resort – 485 Georgetown Road – A-1/CO-1 Districts – Article VII, Section 701 - Owner is seeking to amend Conditional Use Permit #05-007-2021, Condition #15 FROM: All campsites and facilities shall have City public water

and sewer. TO: All campsites and facilities will be supplied with water from Kentucky American Water; all wastewater will be treated by a KY Division of Water KPDES Permitted Facility in compliance with the Clean Water Act, until the next meeting date. The motion carried with three (3) aye votes (Estes, Prewitt, Winkfield); one (1) nay vote (Turney).

A motion was made by Mr. Estes, so moved by Chairman Turney, to adjourn at 8:04 p.m. The motion carried with four (4) aye votes.

Tim Turney, Chairman

TT/ko