



**MAY 13, 2010**

**8171 JACK HINTON RD**

## ZONE CHANGE

<b>From:</b> EX-1 Coal Mining	
<b>To:</b> A-R Rural Agriculture	
<b>Proposed Use:</b> Pastureland, Residence	
<b>Acreage:</b> 60+/- acres	
<b>Applicant:</b> Western Kentucky Minerals, Inc.; Dorothy Barnett (1005.1777)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> EX-1, A-R	<b>South:</b> A-R
<b>East:</b> A-R	<b>West:</b> A-R

## Proposed Zone & Land Use Plan

The applicant is seeking an A-R Rural Agriculture zone. The subject property is located in a Rural Maintenance Plan Area, where agriculture/forestry uses are appropriate in general locations.

## SPECIFIC LAND USE CRITERIA

- (a) **Conservation of agricultural topsoil** - Agricultural topsoil should be conserved through appropriate farming practices.
- (b) **Sustain forests** - Forested areas should be sustained through appropriate forestry practices.

## Planning Staff Review

### GENERAL LAND USE CRITERIA

#### Environment

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO310 D.
- A portion of the property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

#### Urban Services

Electricity, water and gas are available to the subject property. Sanitary sewage disposal would be accomplished by an on-site septic system.

#### Development Patterns

The subject property is a large tract that is located in an area of scattered rural residences with some coal mining

activity in the vicinity along Jack Hinton Road. A-R Rural Agriculture zoning surrounds the subject property with a portion of the property to the north zoned EX-1 Coal Mining.

As stated in the applicant's findings, all mining activity on the subject property ceased as of December 2009 and one acre of the subject property was left undisturbed to provide a building site for a residence. The subject property will be under reclamation activities for a five year Bond Liability Period with the Kentucky Department of Surface Mining.

## SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large, tract that has been previously mined. Mining activity has ceased on the subject property. The zoning ordinance requires that the property revert to the original zoning once mining activities are complete.

## Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the findings of fact that follow:

### Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Rural Maintenance Plan Area, where agriculture/forestry uses are appropriate in general locations;
3. The subject property is a large tract with agricultural and forestry potential;
4. All strip-mining activity has ceased on the subject property; and,
5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.