The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, September 13, 2012, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Ward Pedley, Vice Chairman
David Appleby, Secretary
Gary Noffsinger, Director
Madison Silvert, Attorney
Margaret Cambron
Tim Allen
Irvin Rogers
John Kazlauskas
Jason Strode
Fred Reeves

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CHAIRMAN: I would like to welcome everybody to our September 14, 2012, meeting of the Owensboro Metropolitan Planning Commission. Please stand while our pledge of allegiance and our invocation will be given by Mr. Tim Allen.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the August 9, 2012 meeting. Are there any corrections, questions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a
motion.

MR. PEDLEY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Pedley.

MR. STRODE: Second.

CHAIRMAN: Second by Mr. Strode. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

PUBLIC HEARING

ITEM 2

Consider revisions to the Goals and Objectives of the Comprehensive Plan for Owensboro, Whitesville and Daviess County, Kentucky.

MR. SILVERT: Would you state your name, please?

MS. STONE: Becky Stone.

(BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: You have before you two proposals that are submitted for your consideration for changes to the Goals and Objectives of the Comprehensive Plans. I'll go through each of those proposals to highlight what the revisions are.

Both of these revisions are based on citizen meetings that we've held this summer and had comments
from the public.

Proposal 1: The revisions include on Page 10 to add Objectives under the Rural Service Area to 
"Encourage the application of increased buffers where heavy industrial and coal mining uses may be located in close proximity to existing rural residences."

Another objective added is: "The location of new rural residential uses in close proximity to existing natural resource reserves should be discouraged."

The Staff crafted these two objectives as a way to recognize the impact that the extraction of natural resources may have on existing residences in the area while still maintaining the balance for property owners to be able to extract minerals that they own on their property. We think that encouraging the increased buffer strikes an appropriate balance between the rights of those with existing homes in the area and those who wish to mine coal on their properties.

It also attempts to put people on notice who are considering new uses in that area that they need to consider those locations based on where mining may occur where coal reserves are.

The second change in Proposal 1 are changes

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based on comments from the Active Living Greenway Expansion Task Force. This was, of course, request to the OMPC Staff December of 2001. These are on Pages 12 and 13 of Proposal 1.

The language is revised under the Objectives of the Bikeways to encourage active living and encourage inclusion of bikeways with connection to the Greenbelt in designs of neighborhoods and in the designs of new streets and roads.

Objectives under the Walkways are revised to assure that adequate walkways and/or shared paths are considered in new urban areas. These changes are supported by the Staff. As I said, they result from that task force that was several months to revise language, to strengthen the language, encouraging act of the community through bikeways and walkways. They don't differ greatly from the current goals and objectives that are in the plan. They do encourage the connectivity of walkways and bikeways within our community.

So those are the two changes proposed in Proposal 1.

In Proposal 2, these revisions also are based on input and comments we got from public meetings.

The first revision is based on a comment,

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saying that cities and counties should not rely on outside funding sources. So on Pages 7 and 8 Objectives 4.8.3, 4.9.3, 4.11.6 are eliminated. That strikes language that refers to federal, state and regional policies and funding for housing in the community.

This was a comment at a meeting. However, the Staff's position is that utilizing federally and state subsidized housing programs and funding and coordinating local housing policies should be encouraged as our agencies provide affordable housing to the citizens of our community.

The Community Development Block Grants have been used to stabilize neighborhoods and rehabilitate dilapidated neighborhoods, and that benefits the entire community. So we think providing houses services in cooperation and conjunction with the state, regional and federal policy adds to the health, safety and welfare of the entire community.

I've got a change on Page 6 and a change on Page 10 that sort of go together. There was language removed from Goal 4.3, Objective 4.3.2. This objective was to allow agricultural and other natural resource uses wide arrange to apply traditional production techniques and other natural resources have

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been eliminated from that objective because that would include coal extraction and that was removed in this proposal.

On Page 10 the goal of the rural service area has changed. It reads now on this proposal to, "Reserve the land in the Rural Service Area primarily for residential and agricultural uses, and support uses that need to be near such activities."

Additionally Objective 4.15.1 is changed to read, "Accommodate rural residential uses throughout the RSA for people who wish to live in a rural setting." The language in there but only to the extent that rural residential uses do not significantly impinge on the primary uses of the RSA noted above has been eliminated.

Objective 4.15.2 is changed to read, "Accommodate the extraction of natural resources within the Rural Service Area in the Rural Preference and Rural Maintenance plan areas, but only to the extent that the activity does not cause negative impacts to residential uses."

This requested change under the Rural Service Area is a major change to the land development policies that have been applied in this community for some time. We have seen and continue to see

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residential lots and agricultural lots develop along with existing county roads for a number of years. We have tried to institute land development policies to try to slow that rapid rural development and reduce numerous access points along roadways.

Some examples of the regulations that have been applied in the last ten years have been restricting a lot creation to one new lot per year, applying a three to one ratio to avoid a series of flag lots. Requiring minimum frontage of development lots of 100 feet on public and maintained roads. Require fire protection when more than one lot is divided. Those are currently used to attempt to steer development to areas where urban services are available or can be easily extended.

Then rural communities are identified in the comp plan as appropriate places for residential uses. Those are the pink areas on the land use map that have been identified.

So just to give you a little bit of statistics on lot development. From 1980 to August of 2011, 62 percent of the number of lots that have been created county wide have occurred in the urban service area. However, of those total lots, only 25 percent of the acreage that has been divided in the county occurred
within those 62 lots. So 39 percent of the lots are
created in the county and that accounts for 75 percent
of the acreage divided.

So we have to be careful in making sure we're
not using that viable farmland in the community. That
number doesn't even consider the number of
agricultural divisions that are created, and those are
lots that are over ten acres in size and are
considered add divisions that are exempt from
subdivision regulations. Many time when those lots
are sold, they are taken out of agricultural
production and they're used to build a home.

Since 2003 when we started tracking those,
there have been 390 agricultural tracts making up
9,995 acres of land in the county.

As I said, they continue to be created along
existing county roads. Some of the difficulty with
that is, you know, rapid rural subdivision can create
the amount of economically viable farmland in Daviess
County. It can also have an environmental impact if
more septic systems are constructed in the county. It
has an impact on our roadways as each new lot has
another access point. They also need fire protection,
water, electricity, etcetera. There can also be
conflicts between new residences and agricultural uses

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which were still in this proposal saying our primary use in the rural service area.

So for all of those reasons, rural residential uses have not been identified previously in the comp plan as a primary use in rural service areas, you know, outside of rural communities. They're still allowed to occur under the current regulation, but the recognition in the previous plan is agricultural and natural resource extraction such as coal, oil and timber is the primary use.

So this proposed change, you know, will affect land development policies that have been in place and we will have to be very careful if this goes forward about crafting new development policies in the land use portion of the plan to accommodate this residential use as a primary use in that area.

We need to make sure we're not diminishing farmland, impacting our water quality, creating conflict with ag uses, access point on roadways. All of those things have to be considered when we develop the rest of the plan, if we go with this proposal.

Additionally, it doesn't recognize the right of the property owners to have minerals on their property.

Another objective that was added under Ohio Valley Reporting (270) 683-7383
Transportation, Objective 5.2.6, Goal 5.2 states, "Maintain and preserve the 'Blue Bridge.'"

We're proposing that in this version, however the bridge a state facility. While we would hope that we would have a seat at the table regarding transportation issues, we wouldn't have any local authority to make the decision about that bridge.

We think that this is covered under, we know it's an important facility to the community and we believe that that objective would be covered under the general goal of "Providing for the movement of people and goods from one place to another in a safe, efficient, and cost-effective manner," and it's further addressed under the objective that states, "Assure that our highways are adequate by supporting an on-going transportation planning program."

Again, we have the same changes that were shown in Proposal Number 1 relative to the bikeways and walkways. Again, those are supported by the Staff.

The last item that we added as a result of the meetings was Objective 6.3.4, and it was revised to include space and facilities for religious organizations in publicly financed building and development projects.

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We think that there's a possibility that may be in violation of the First Amendment. The proper extent of separation between government and religion in the United States remains an ongoing subject of debate.

The Staff would recommend Proposal 1 as the Goals and Objective of the Comprehensive Plan. There certainly may be people here who wish to speak to that and give you their comments.

CHAIRMAN: Thank you, Ms. Stone.

Is there anybody that would like to make any comments?

Yes, sir.

MR. ESEEP: May I ask how much time I have?

CHAIRMAN: Step to the podium. How much time do you need, sir?

MR. ESEEP: I don't know. I just know that I read previous minutes --

MR. SILVERT: Before you go on, let me swear you in, sir.

Could you state your name, please.

MR. ESEEP: My name is Paul Eseep.

(PAUL ESEEP SWORN BY ATTORNEY.)

MR. ESEEP: How much time do I have?

CHAIRMAN: How much time would you like, sir?
MR. ESEEP: I know in the past I've read in
the minutes that you allow three minutes only. Do I
have more than three minutes?

CHAIRMAN: Go ahead and start making your
point.

MR. ESEEP: I will not take 20 minutes. How
is that?

First off, I would like to address some of the
comments Becky Stone made.

The comment about the federal funding. I
don't know if that actually captures my idea or not.
My issue was the fact that just as when you teach your
kids. You don't teach your kids in your household to
go out there and get as much federal money as they
can, to get as much welfare, to get as much grants.
You want them to be self-sufficient and work for their
effort. That's the idea behind this.

As a community, do we want to have a goal to
be the best of beggar in the federal government. I
don't think so. I'm not opposed to using these
grants. I just don't think it should be a goal.

Okay.

The other issue on, I think was the last one,
the religious issue. My concern was the fact that
ever since I've lived in this community, this

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community has had a lot of faith, religious faith. I can't even schedule a meeting on Wednesdays because most of the people I know can't be there because they're at church.

When you have a vision of Daviess County, that does not include any mention of religious and religious faith that's in this community, I find it hard to accept that you can call this a vision. I'm sure there are many Christians here on the board. Can you accurately describe yourselves without mentioning your faith or your vision of what you want to do in the future without mentioning your faith?

If you take the sum of all the people in Daviess County, you think we can actually have a vision in Daviess County that doesn't mention religious faith in this community? I don't think so.

The main reason why I'm here is I want to ask the board to vote down the two proposals or vote to postpone to allow more time for comments. Specifically so the Owensboro Tea Party members and others could have a public meeting with OMPC Staff to either make more revisions to Proposal Number 5, an alternate proposal.

At the July 17th Pride Meeting, the OMP Staff announced that there would be another meeting to allow
public comment on the goals objectives. Many of us
planned to make additional comments after reviewing
the proposed changes. What the Staff failed to note,
and I assume this is just a miscommunication, is that
that meeting would be this one. A final vote on the
proposal.

Sure I'm free to make comments, but you're
voting tonight on it so my comments would be left out.

Also, for my perspective, while I'm sure it's
not the intend of the Staff, the plan, if you read the
plan, it tries to limit what a valid comment is and
who a valid comment comes from. When the plan
includes such passive aggressive attacks as found in
Section 041, what to do with the plans, "Sometimes
exaggerated and attack totally unrealistic in
describing it."

It's words like these which confirms what the
community suspects is in store for them when they
attend meetings to comment on. That they will be
ignored and possible ridiculed.

I do want to thank the Staff for listening at
the Pride Meeting and including some of my comments.
I just wish there was more time to make comments. One
other reason I ask the board to postpone the vote is
so there's some serious technical, professional and

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ideological issues in this plan. I would like to just
touch on a few.

The plan takes approximately 100 pages to
summarize the detailed plan, which only is 300 pages.

Now, I can't see -- I've written many
documents in my life. I've worked for the military.
I reviewed many documents. I don't know anyone that
thinks you need 100 pages to summarize a 300 page
document. A document that already has a summary in
it.

Section 030 Plan and Summary. You can save 25
percent of the printing cost just by taking out the
summary. You can save almost 25 percent of the effort
to update this plan, and 25 percent of that I use to
actually read this plan or people that do read it.

The principals of subsection needs to be
completely rewritten. This section is to provide
"narrative background on the philosophy of the
planning effort in Daviess County."

The environmental section is particularly
troublesome to me. When I read in the plan, "The land
provides a resting place or a foundation for gravity
bound people." Who talks like this? Who talks about
gravity bound people in a public document?

"It must be objective to welcome trees, grass

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I like trees. I like wildlife. I don't know if I go around welcoming them though. Who talks like this?

Or "The land exist in its own right. It's not dependent upon the assistance of humans or its continuation or validity." When I read, "The irreplaceable resources are sparingly and wisely used" or "possibly spared completely by either doing without or securing proper substitute" or "you must be very careful of the selection of land that will be urbanized to withdraw or research for the bank to sparingly and wisely as possible."

I know some of you members of the board are members of the American Planning Association. Is this environmental ideology that the APA is suggesting you put into these committee plans? Is this professional? You can find such ideological and philosophical nonsense throughout plan. I'm not against the planning. What I'm against is the plan in a local government that takes it upon itself to plan what's best for me on where I should live.

In Section 060, official participation under ample mentation, success and failures we, "we need to arrive at a community consensus on how much rural development we can afford and what to accommodate and

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how to encourage or direct urban growth, most urban
areas."

It's my view that the free market is the best
way. Development throughout the land where people
want to live or else they wouldn't develop it. They
wouldn't be able to sell their lot. People like
living in the areas that the developers develop. We
don't need some rules from some government bureaucrat
to say where we should live.

Another one. This is a goal. Concentrate
Daviess County, urban development inside urban service
areas by reducing urban sprawl.

Mr. Kirkland, I believe you live in
Thoroughbred East.

CHAIRMAN: No, sir, I do not.

MR. ESEEP: Well, Thoroughbred East is a
perfect example of why of what they call urban sprawl.
It's large houses on large lots in the county so
people far away, so people have to drive into work
burning gas. It's also characterized as strip malls.

Well, I like living in that area. People make
a choice whether they live in the county or the city.
To have people tell us that you shouldn't be doing
that, you shouldn't be living in this urban sprawl I
think is wrong.

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In Section 120, Principals and Assumptions under movement. The community objective is to provide well thought out plans and programs to its development.

Becky just used the word steering. Trying to steer people into certain areas. When a Comprehensive Plan should be is a plan which anticipates how people want to live and where they want to live and plan appropriately how to accommodate them now and in the future. Not push guide or steer them according to some plan.

Lastly I want to thank the board members for bringing some common sense to the implementation of the Comprehensive Plan. The goals and objective for most of the part is common sense. Promote the creation of high paying jobs. Minimize the expenditure of tax dollars i providing unnecessary services to the greatest number of people, and encourage the stability in existing neighborhoods.

It's the plans ideological and principals and implementation process that is at issue here. I can't see how else other than this board how Daviess County could spare for an agenda this plan is trying to push. Thank you.

CHAIRMAN: Thank you.

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Are there any other comments?

Ms. Stone.

MS. STONE: I just have a clarification.

Maybe I didn't make this clear.

You are considering only the goals and objectives in the Comprehensive Plan tonight. There were other sections that were alluded to. Those are not being adopted tonight. That's going to come at a later time after goals and objective are adopted.

Once you make a recommendation, if you choose to do that tonight on the goals and objectives, that also goes to Daviess County Fiscal Court, the City of Owensboro and the City of Whitesville for their adoption of that as well.

Then also Thoroughbred is in the urban service area.

CHAIRMAN: Thank you.

Are there any other comments?

Yes, sir.

MR. SILVERT: Could you state your name, please?

MR. VanMILLIGAN: My name is Neal VanMilligan.

(NEAL VanMILLIGAN SWORN BY ATTORNEY.)

MR. VanMILLIGAN: I agree with some of what Mr. Eseep said in his remarks in general. In that I...
object to being steered to living in a certain rural
service area.

To have us concentrate our residences in an
area under the excuse that it would provide for better
service, for example, water and electricity, electric
lines runs up and down nearly every road in the
county. Probably everyone. To drop another line
because there's another residence there I don't think
is any big chore for Kenergy or anyone else, OMU.

There is an issue I read about recently about
how waterlines are not extended to every place in the
county. There are probably half a dozen residences
that are some issue about extending a waterline to
them because they are so remote. In areas where water
is available, city water is available, I don't see any
reason why that objection to concentration of service
should be issue.

Fire protection, we have very aggressive and
active volunteer fire departments. They're very
effective in the rural area particular.

Ms. Stone did talk about how we need to have
concern for the impact on water quality in the county.
Specifically concerned about issues that involve
additional housing that might have septic tanks.
Septic tanks are modern scientific design devices that

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are very effective in what they do. Likely to have a significant impact on water quality, unlike strip mining which is likely to have a significant impact on water quality.

Also, Ms. Stone remarked on the impact that additional residences would have on roads. My pickup truck going down the road is not likely to have anything like the impact that a 65 ton coal truck is likely to have going down that same road.

It appears in the offering that you folks have had before you tonight, I'm guessing that you have a choice to vote up or down Proposal 1 or vote up or down Proposal 2, as opposed to being able to shuffle the deck and pick some statute modifications from each. I don't know if that's true or not. If that is the case, Proposal 1 appears to have been crafted in the least offensive manner given that we know you already like the Comprehensive Plan the way it is. Mr. Noffsinger has told us he considered it to be virtually perfect.

Proposal 2 not only contains several elements that are more controversial, but also contain elements that are liable to be offensive. I consider that to be a rather stacked deck since Proposal 2 is the one that would satisfy at least the landowners that were...
the most aggressive in the last few months. Almost a
year in contention with some of the issues that have
been facing the board.

Proposal 1 would follow more along the
accommodation that was offered to the residents out at
Pleasant Ridge by Fiscal Court which we consider to be
wholly and adequate and a token and of no consequence
to protect our rights whatsoever.

The changes that are in Proposal 2 are more in
line with what we think is appropriate for rural
residents to be protected from aggressive activity
that might impact the peace and enjoyment of their own
property. But if it's an all or nothing vote, since
it contains other items that are less plain on their
face as being for the benefit of the community, its
subject to being dismissed in favor of Proposal 1
because those items that are unrelated to the issues
which we consider to be important. It strikes us that
being able to select, and I don't know if you do or do
not, to select which of these changes should be
applied rather than merely having an up or down vote
on a wholesale plan that involved Proposal 1 or
Proposal 2. Unless we can make the decisions, unless
you can make the decision based on individual statute
changes, I think that the proposed changes to the

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Comprehensive Plan have been predetermined against us and not something we find very attractive. Thank you.

CHAIRMAN: Excuse me. I have one comment.

Based on your closing comment about predisposed and stacked against you, what draws you to that conclusion?

MR. VanMILLIGAN: Mr. Noffsinger told us at least one of the meeting that we had about these --

CHAIRMAN: Excuse me. Mr. Noffsinger does not vote.

MR. VanMILLIGAN: I know.

CHAIRMAN: Thank you.

MR. VanMILLIGAN: He told us that you folks consider the Comprehensive Plan as it stands now to be virtually perfect. That you would prefer not to have any changes to it.

Also, that the plan is employed in pieces, depending on the situation that is in front of the board. When we objected to that he told us that we were naive to think that Planning and Zoning was anything but a political process.

What we would like to see would be not only that the Comprehensive Plan be modified to encourage human activity, residences, peaceful enjoyment of your property, but also that the plan be employed or
enforced universally so that sections that would apply
on Monday in one consideration would apply on Tuesday
for a different consideration.

CHAIRMAN: Thank you, but I just wanted to
bring out the point that Mr. Noffsinger does not vote.
Thank you.

MR. SILVERT: I would like to remind the
Commission at this time that these individual goals
and objectives can be adopted and changed
individually; however, we do have to stick with what's
been proposed from one option or the other because
they've been advertised as such. So if it's the
Commission's will to adopt some goals and objectives
from Option 2 and some from Option 1, they may do so,
but they cannot recraft the language or it would have
to be advertised again.

Shuffling the deck, as Mr. VanMilligan said,
is an option to this commission and I just want to
make sure that you all know that.

CHAIRMAN: Thank you.

Anybody else have any comments?
Yes, sir.

MR. SILVERT: State your name, please.
MR. CONDON: My name is David Condon.

(DAVID CONDON SWORN BY ATTORNEY.)

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MR. CONDON: My address is 2161 East 19th Street. I am executive director of the Housing Authority of Owensboro.

I just recommend that the Commission adopt Proposal 1 as it relates to the housing element in the plan, if the board is going to shuffle the deck. We suggest that Proposal 1 option with respect to the housing be adopted.

With respect to a comment that was made whether that should be goal. I think it is clear that the goal of this community should be to access all available resources to provide for the development and maintenance of safe, decent and affordable housing for our residents. These include federal projects, state projects, low income tax credit projects, private developer, private citizens, Section 8 properties, which are private landlords that provide housing. We think it is important to maintain that as a goal to utilize all available resources to provide that sort of housing to all of our residents in our community.

If the Commission wants to shuffle the deck between Proposal 1 and Proposal 2, we stand with Proposal 1 on the housing element.

CHAIRMAN: Let me ask you one thing. The federal housing dollars, where originally do those

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dollars come from?

MR. CONDON: Well, the federal housing dollars comes from the tax payer.

CHAIRMAN: Those being people in this room?

MR. CONDON: Yes. People in this room. People across the country. As any federal budget item that goes to Washington, and I suspect that we get a larger share of those than some other communities.

Now, in terms of the public housing program, I want to make clear that's what I represent. I'm not going to speak for all the other. There are a multitude of developers and participants in the program here in this community, but our residents pay way well over $1.2 million in rent every year. So this is not a freebee. They're paying rent. They're paying utilities and so forth. So this is not a handout. This is an effort to get them safe, descent housing so they can move up and move out. Our average tenants is certainly far less than three or four years.

There are state dollars that come in. There are tax credits which are federal and so forth.

CHAIRMAN: Exactly. I was just making a point that you were saying about federal and state dollars, but all the dollars originally come from the citizens.
MR. CONDON: Yes, sir.

CHAIRMAN: Thank you.

Anybody else have a comment?

Yes, sir.

MR. SILVERT: Could you state your name please?

MR. HESTER: My name is Scott Hester.

(SCOTT HESTER SWORN BY ATTORNEY.)

MR. HESTER: I also encourage shuffling the deck on this situation because I think that there's some elements of Proposal 1 that are more acceptable than some of the same other elements in Proposal 2 and vice versa.

I agree with Mr. Condon that the housing elements in Proposal 1 are much more acceptable than those in Proposal 2.

I agree with Mr. VanMilligan that the elements in 4.1.5 regarding the rural service area are much more acceptable than those in Proposal 1. So I would encourage the adoption of those.

I listened with interest to Ms. Stone's comments about the development in the rural service area. I wish I had had her statistics at my disposal when I was thinking about how I wanted to address this commission.

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I've addressed both of the meetings that the Staff held. My concerns are that the rural areas of Daviess County where 40 percent of the residents of Daviess County live seems to get disregarded as a choice of a living space in a lot of ways. As Ms. Stone pointed out, there are efforts to control or limit development in the rural parts of Daviess County. There have been efforts made to limit the expansion of housing in Daviess County, and I understand that there are some legitimate reasons for parts of that. I don't disagree with limiting expansion of conversion of prime agricultural land to housing. It's odd to me that that happens in the urban service area much more than so than it happens in the rural service area.

What you don't see out in my part of the county, out in the rural service area is people building homes on prime agricultural land for the most part. You see folks building homes on rolling wooded land. Not out in the middle of a corn field. We value our corn fields out in the county. You see folks building subdivisions on the edge of town in corn fields. That land is too valuable for those of us living out in the county.

The thing that I'm really concerned about is Ohio Valley Reporting (270) 683-7383
that we're not getting the concept of the value of rural home sites to the development of Daviess County. There's a lot of folks who really want that lifestyle. A lot of professional people. A lot of business folks. A lot of the bright young folks that we keep hearing about that we need for progress for Daviess County, for Owensboro to grow. We hear it from the doctors and the universities that the folks that we want to attract and retain in Daviess County, a lot of those kind of folks want a place out in the county to live where they've got some peace and quiet and we are diminishing that. We are decreasing that availability in a lot of ways.

Now, obviously one of those is, if we go in there and strip mine it it's permanently removed from any chance of ever being a home site. Once you turn it upside down, 50 to 90 feet deep, it's never going to be a home site ever. We've already torn up a huge sloth of Southwest Daviess County and a huge sloth of Southeast Daviess County. There's a sloth of Southern Daviess County that some would have that happen to now. From Pleasant Ridge to Browns Valley. That's rolling land. It's not farmland for a large part. Some of it is, but it's rolling land. It's wooded. It's land that people would love to build homes on.

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That attracts folks that want to live in a rural setting. Give them ten acres to build them a nice home and live here and help Daviess County grow. We can't afford to take that land permanently out of that home market. You pick up the Sunday newspaper and look in the real estate section and look at the real estate ads. Look at the homes for sale.

I remind you that 40 percent of the folks in Daviess County live out in the country. Look at the homes for sale. Forty percent of the homes for sale aren't in the county. Forty percent of the homes for sale aren't country homes. Maybe ten percent are.

The reason they're not is because if a home comes up for sale out in the country that doesn't have any problems, it gets sold immediately. Last one I knew of sold the first person that came and looked at it. There's a huge demand for homes out in the county, in rolling rural countryside. We can't afford to keep destroying that kind of land, and I don't think that we want to continue to put roadblocks in the way of people developing and building out in that area, and that's what we're doing. I think that's a mistake. I think we ought to see if we can't sit down and figure out ways to make it work better. There are ways to get into that kind of business and make it work.

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I don't know. It seems to me that there's a better way to do this where everybody gets to where they want to go.

I am asking this Commission to vote in favor of the section in Proposal 2 as it applies to the rural service area. To give priority in the rural service area, to residential use of property above mineral extraction. I'm not opposed entirely to mineral extraction, but priority of residential use.

Proposal 1 is all right with me. Proposal 2 with mineral extraction.

CHAIRMAN: Thank you.

Does anybody else that has any different or anything addition to add to comments that have been made?

MR. SILVERT: Could you state your name, please?

MR. RINEY: William Lance Riney.

(WILLIAM LANCE RINEY SWORN BY ATTORNEY.)

MR. RINEY: Assuming, and I don't know what that word "broken down" means.

Assuming the Comp Plan is a derivative of Agenda 21, I would like to read some comments here. Alex Newman from the New American points out how the United Nations views the scheme of what is
being funded in Agenda 21. He writes, "The 30 second review of UN's web page on Agenda 21 would have to reveal that the scheme is about much more than the bike lane."

In the first sentence of the summary of Agenda 21 posted on line, the UN states that Agenda 21 is actually a Comprehensive Plan of action to be taken globally, nationally and locally by organizations of the United Nations; governments and major groups in every area in which human impacts on the environment.

To understand the scope of such an agenda consider, the UN considers carbon dioxide, gas exhale by human beings and need of regulation.

As the GOP resolution noted, the global body has also repeatedly refer to national sovereignty and private land ownership as social and justices.

That was why activists are up in arms. It has nothing to do with black claims.

I want to address the carbon dioxide and global warming thing.

There is a website, www.petitionproject.org which lists 31,000 American scientists, almost 10,000 of them are PhD's, who wrote this: "We urge the United States government to reject the global warming agreement that was written in Japan in December of

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'97, and any other similar proposals; the proposals limits on greenhouse gases will harm the environment, hinder the advance of science and technology and damage the health and welfare of mankind. There is no convincing scientific evidence that human release of carbon dioxide, methane or other greenhouse gases is causing or will in the foreseeable future cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon natural plant and animal environments of the Earth."

I believe Mr. Gore took 600 mostly government subsidized scientists to the Japan conference. 31,000 Americans, just American scientists, 10,000 PhD's. Thank you.

CHAIRMAN: Is there anybody else that has anything to comment on?

Yes, ma'am.

MR. SILVERT: Could you state your name, please?

MS. SCOTT: Joann Scott.

(JOANN SCOTT SWORN BY ATTORNEY.)

MS. SCOTT: I want to reiterate the request to
delay this until we have more opportunity to evaluate it and understand its meaning. I don't feel like I can comment on it at this point and understand it at this point. I would like time to do that and have the community to have a chance to run it back and forth as was previously stated.

I wanted to mention about the separation of church and state. I don't really know the impact of the statement about what's the plan as far as toward the community yet. The terminology separation of church and state might be misunderstood by a lot of people because people assume it's like in the constitution, the terminology, separation of church and state. From what I've understood, which I'm not prepared to really speak on it, but just off the cuff, is that that wasn't something found in the constitution, but was quoted from a letter of one of our founding fathers. Jefferson. It was the Monroe Document maybe. Anyway, it was a letter, quotation from a letter. The design in the constitution isn't to prevent expression of our religious faith, but solely to prevent the government from directing and enforcing our worship to be of a certain denomination with our founding fathers. There was a lot of expression of faith. For instance, the prayer before Ohio Valley Reporting

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the meetings of the legislature and federal church and
such along those lines. There's expression from the
start, expression of our faith, but the constitution's
language is to prevent the federal government from
directing our expression of that to a certain and
specific belief. I think we should feel free to
exercise our religion even publicly, but just not, for
instance, okay, we're going to make it a Catholic
facility or we're going to make a Baptist facility. I
just wanted to add that. I think with more study that
it could be easily understood that we should have
freedom and even public expression, public
involvement, but just not a direction of a certain
faith.

Myself, I'm an import from another state. I
chose to put my finances in this area because I wanted
to live in an urban area. I wanted to have freedom.
I wanted to have space. I think that we should
recognize that that is a great draw from this area.
That people want to come live here and invest in
sections of land where they could have that freedom
and have their American dream. I would like for us to
support and recognize that.

CHAIRMAN: Thank you.

Is there anybody else that has anything that

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they'd like to add?

(NO RESPONSE)

CHAIRMAN: If not the chair would be ready for
a motion.

MR. APPLEBY: Motion to approve the Goals and
Objectives in Proposal 1 as recommended by the Staff.

CHAIRMAN: We have a motion to approve
Objectives and Goals of Item 1 by Mr. Appleby.

MR. ROGERS: Second.

CHAIRMAN: Second by Mr. Rogers. All in
favor raise your right hand.


People on the board haven't had an opportunity
to speak on that, Mr. Chairman.

CHAIRMAN: I'm sorry, Mr. Kazlauskas.

MR. KAZLAUSKAS: Because I do have a statement
and I do have some problems with some of the things in
here. I would like to have the opportunity to
addressed them.

CHAIRMAN: Mr. Kazlauskas, just a correction.

I asked, before I asked for a vote if anybody had any
further comments. I wasn't trying to cut you off.

MR. KAZLAUSKAS: I understand that. But I
think there's some things that need to be address
before we take a vote on it.
First thing is, Mr. Chairman, you were correct in the fact that the CDBG grants, that they are tax payer dollars. We have a lot of dollars that leave this community and go to Washington and Frankfort and it's a small percentage that comes back to this community in CDBG grants. I know that the city and the county has made good use of those dollars over the years. I think that's very important that we continue on with that.

One of the things that, and several people have spoken to this tonight and I think very important that we spend just a couple of minutes because on the first proposal on Page 10, 4.15.4, "The location of new rural residential uses in close proximity to existing natural resource reserves and coal deposits should be discouraged."

I understand what they're trying to do, but there's something about the way that that's written that just really doesn't set well with me.

Number 2, and several people have talked about this, you know, the way that it was worded, "Accommodate the extraction of natural resources within the RSA in a rural preference and rural maintenance plan area, but only to the extent that the activity does not cause negative impact to residential Ohio Valley Reporting

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uses."

That's kind of tough too, you know, the way these things are written. I'm just wondering, and I'm going to ask the Staff if these can be rewritten to maybe make it more palpable for Proposal Number 1.

I personally definitely don't like the way that 4.15.4 is written in Number 1. It just doesn't read well to me. I understand what several people have said about 4.15.2 in Proposal Number 2.

I guess I need to ask Mr. Noffsinger and counsel, if the Staff can go back and maybe work on this to bring us something that's different than what we have right now?

MR. NOFFSINGER: We could certainly do that, but what we need would be direction from you or this Commission as to what you want us to work on.

MR. KAZLAUSKAS: And I'd be glad to work with the Staff because right now I don't know. I'm just telling you that in Proposal 1 I don't like the way it's written. It just doesn't set well with me.

I like some parts of 4.15.2 in the second proposal, but understand the problem that the Staff has also.

I don't have an answer for it right now, but maybe we should take a couple of minutes to work with
the Staff and see if we can formulate a different proposal in this 4.15. That's my suggestion.

CHAIRMAN: Are you finished?

MR. KAZLAUSKAS: Right now.

CHAIRMAN: Does anybody else on the Commission have any other comments?

(NO RESPONSE)

CHAIRMAN: Mr. Silvert, I believe we do have a motion and a second on the floor.

MR. SILVERT: Correct.

CHAIRMAN: We have a motion for approval by Mr. Appleby and we have a second by Mr. Rogers. All in favor of that proposal raise your right hand.

(BOARD MEMBERS IRVIN ROGERS, MARGARET CAMBRON, DAVE APPLEBY DREW KIRKLAND, WARD PEDLEY AND FRED REEVES RESPONDED AYE.)

CHAIRMAN: All opposed.

(BOARD MEMBERS TIM ALLEN, JOHN KAZLAUSKAS AND JASON STRODE RESPONDED NAY.)

CHAIRMAN: Motion carries six to three.

Next item.

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ZONING CHANGES

ITEM 3

5540 Highway 54, 3.200 acres - Postponed at the August 9, 2012 Meeting

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Consider zoning change: From A-U Urban Agriculture and R-1A Single-Family Residential to B-4 General Business

Applicant: Francis Hagan; Estate of Eva E. Smith, Robert Smith Executor

Mr. Noffsinger: Mr. Chairman, Mr. Howard is here tonight to give you an update on this proposal.

Mr. Silver: Would you state your name, please.

Mr. Howard: Brian Howard.

(Brian Howard sworn by Attorney.)

Mr. Howard: As directed at the last meeting, the item was postponed.

We got together with the applicant and the applicant's attorney and the Kentucky Transportation Cabinet last week to just discuss what from a state's viewpoint access may look like along the Highway 54 corridor. The county engineer was invited to that meeting. He was unable to attend. So discussed with him outside of that meeting as well on Ed Foster Road. He did not have any concerns really about access on Ed Foster Road. I think from the county's perspective, there shouldn't be any issues.

When we met with the state and the applicant, the end result was Staff didn't change their Staff Report. From the meeting, I completely understand where the applicant is coming from. Of course,
they're here tonight and will likely address you with what their concerns are.

You heard those last month. They don't want to limit the possibility of potentially having an access point on Highway 54 at some point in the future. Right now they don't have plans for what will develop on that site. They want to leave that option open.

In discussions with the state, transportation officials, they said, we can't rule out potential -- we can never say never if a Traffic Impact Study came back and said an access may be viable. Maybe a right in, right out. Maybe full access. We don't know.

Towards the end of the meeting they said, you know, if we had to look at it right now we would probably say there's a 95 percent chance that we would not allow an access point to Highway 54, but we can never say never.

With them putting that great of a percentage on the likelihood that there would not be access, that's why Staff didn't change the Staff Report. I felt comfortable after hearing them and what they discussed, that it's not real likely that they're going to permit access.

Again, that's our recommendation and they're

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here to, the applicant and their attorney are here to provide their information. I would be happy to answer any questions that you all may have based on the meeting or in response to whatever their comments are.

CHAIRMAN: Do we have somebody representing the applicant?

MR. SILVERT: Could you state your name, please?

MS. KNIGHT: Tera Knight.

MR. SILVERT: You're sworn as an attorney.

MS. KNIGHT: As Mr. Howard said, we were able to meet, and I do appreciate him arranging that meeting and getting state representatives there for us to discuss this issue.

The result of the meeting was, as he said, it was Staff's recommendation and condition prohibiting access remain.

Again, as we stated last month, Mr. Hagan is just asking that it not be closed at this point in time. He understands that there will be a need for a final development plan, as the specific use of the property is decided at a later point. At that point in time, to look at the circumstances of the property, of the area, the specific use of the property then would be the best point in time to say whether access
should be allowed or not. I know Mr. Hagan is here
tonight so he can speak more directly on those issues.

At this point there is no real specific plan
for the property other than to clean it up, connect it
to his existing business, and then perhaps at some
point down the road develop it further. Again, based
on that specific development, if access to 54 is
completely closed off, except at this point, it may
tender his ability to development the property for
certain uses or not. I understand that there's access
potentially on Ed Foster Road. Again, he would ask
that access to 54 not be completely closed at this
point.

I would also point out, you can see on the
survey on the screen, the property directly across 54
was recent, well, July 14, 2011. So about this time
last year, was rezoned to I-1. That property has
access to 54. It also has access on 142. In fact
they recently reconcreted the access to 54.

The property catty-corner from this property
is a used car lot. It has a large access on Highway
54, and it also has access on 142. I would point out
that there were no recommendations on the one property
that was rezoned I-1. No access restriction on that
at all. In fact, access wasn't even mentioned at that
point in time. If it wasn't an issue there, I don't
know why it's an issue here.

Again, I think Mr. Hagan would appreciate at
least having the option to decide at a later point.

Also last month, and this was discussed a
little at the meeting about a final development plan,
a Traffic Impact Study. I think Mr. Hagan would be
agreeable to doing those at some point once the actual
use of the property, the specific use of the property
was decided. At this point there's really no, I think
a Traffic Impact Study would not be, it wouldn't do
much good because, again, there's not a specific use
of the property planned, but I think that is something
he is willing to consider if it was required or
recommended. Again, he's not trying to create an
unsafe situation out there. He just wants to have the
option for whatever future development there might be.

Again, we would ask the Commission to approve
the rezoning from residential and agricultural to B-4,
but without the condition that prohibits access to 54.

CHAIRMAN: Thank you.

Does anybody else in the audience have a
comment?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have

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a comment or a question?

MR. REEVES: I have a question, Mr. Kirkland. I want to make sure I know exactly. I think I do because I was just out there recently.

Is this the property where there's kind of an abandon house on it?

MS. KNIGHT: Yes.

MR. REEVES: Is there not currently an existing driveway cut in there?

MS. KNIGHT: There is to the residence, yes, but it is my understanding that would be closed off once the change of the property or once the property is changed in use.

MR. REEVES: I guess a question for Staff, particularly for Mr. Howard.

Ultimately if we were to put no conditions on this, Mr. Howard, would the transportation cabinet have the option to not allow ingress and egress there? I guess my question is: Is it really that important that we be the deciding factor on this if there's a higher authority on this particular issue?

MR. HOWARD: Any type of access to a state maintained facility would require approval from the Kentucky Transportation Cabinet. If a condition was not placed on the rezoning to eliminate for access,
then yes, they would be able to say, you can have one
or you can't. Historically if there's a court order
of importance and we do have access management within
the urban service area, and we pointed out last month
this is outside the urban service area, but we feel
that access could be of a concern here. We work well
with the state and they work, you know, we communicate
with each other. They understand that if at the local
level, we have a concern and the Planning Commission
were to make a recommendation for no access, they
would typically abide by that and go along with what
the local did instead of substituting their own
opinion at some future time.

MR. REEVES: I agree that is a very, very
short area. I grant you. I just don't know how wise
it is for us to be the one restricting Mr. Hagan's
option to look with the state with that down the road.

CHAIRMAN: I understand where Mr. Reeves is
going with that. In other words, he was saying if we
leave it open, I'm just going to paraphrase your
question so I understand it myself.

I think his question is, if we leave it open,
could the state come back in the future and close it?

MR. HOWARD: Yes, they could.

CHAIRMAN: I was having a --
MR. REEVES: Yes. That's what I wanted to see.

CHAIRMAN: I was having a little trouble with that myself.

MR. HOWARD: As Ms. Knight pointed out, during the meeting we had with the state, they were clear that just because you have what is now a residential access on Highway 54 that does not guarantee a commercial access point. Once there is a change in use, they re-evaluate completely. I don't want to put words in their mouth, but basically at this standpoint with the change in use, with the change in zoning, in their mind that access would be closed and it would have to be proven to them that a safe access point could be established.

CHAIRMAN: In other words, even if we did not put that condition upon you, we wouldn't want you to move forward with a development plan or anything else thinking that that would be allowable.

Am I saying it correctly, that there was probably a great chance the state would not allow that?

MR. HOWARD: That's the impression I got from them. It's not a great likelihood.

CHAIRMAN: So if we go ahead and pass it, have
that condition on it, then he can move forward with
surety that's the way it's going to be. He can always
appeal or do whatever.

MS. KNIGHT: Right. I do understand and I
agree with Mr. Howard. The state representatives that
were there said, you know, as of right now with the
property, there's a large or likelihood that they
would not allow access. Mr. Hagan understands that,
but again, as he said, they could never say never. If
we don't completely cut off access now but we wait
until there's a specific use for the property, a final
development plan. You know, we talked about future
development of Highway 54 that the state has planned
for it; whether it's widening it. One of the
representatives mentioned closing off the Old Highway
54 access onto 54 if it were to come to that.

CHAIRMAN: Let me ask you: What do you want
us to do?

MS. KNIGHT: Mr. Hagan would like to approve
the rezoning to B-4, but without the condition of the
Staff that says, there is no access to 54. We would
just like to leave that option open for some future
time, with the understanding that it may never be
granted. We understand that the state may not grant
access to 54. We feel like this is not the best time

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to make that restriction at this stage.

CHAIRMAN: Thank you.

Commission have any other thoughts or ideas on that?

MR. HOWARD: Could I make one quick point?

CHAIRMAN: Yes.

MR. HOWARD: If you do move along that line, and they're aware of it because it was discussed at the meeting. I would just like to get on the record that the Traffic Impact Study requirements established by the Kentucky Transportation Cabinet have changed pretty significantly over the last couple of years. It was discussed at the meeting that the 3.2 acres, depending on use, the likelihood that a Traffic Impact Study would be required to establish the appropriateness of an access point would be very high. Just want to make sure that they're aware a Traffic Impact Study may be likely at some point in the future. I'm sure they are, but I just want to make sure.

CHAIRMAN: Let me ask you something, Mr. Howard. If we did pass this and not use that restriction, then the burden of the traffic study would go with the client?

MR. HOWARD: Yes.
CHAIRMAN: Then before they could do any kind of development, they would have to do the traffic study?

MR. HOWARD: Yes. If the state required a Traffic Impact Study to determine access they would.

MR. APPLEBY: Or we could require it.

MR. HOWARD: Or you as a commission could say, we're going to eliminate their requirement to no access be permitted and require that a Traffic Impact Study be done in the future, regardless of whether or not the state would necessarily require it based on use and acreage just to make sure that access is adequately addressed.

CHAIRMAN: As long as your client is aware. That's all we're doing.

MS. KNIGHT: Right. And he is aware. I think the request is that, you know, yes, if the state requires a Traffic Impact Study he is aware of that. Again, it would be based on a specific development proposed at the time and a final development plan or whatever.

CHAIRMAN: Thank you.

MR. NOFFSINGER: Mr. Chairman, what it does is if you attach no condition it takes the local Planning Commission out of the decision and the decision rest
solely with the state. In the past that has not been
a wise move and then the state does not have access
standard that they've been able to use. Today they
are looking much harder to access control and
requiring traffic studies.

If you require a submission of a development
plan with the emphasis placed on access, then that
keeps the local Planning Commission involved and you
do have the opportunity to be involved. If there are
no conditions, it takes the local Planning Commission
out of it.

MR. APPLEBY: Mr. Chairman, could I make a
suggestion?

CHAIRMAN: Absolutely.

MR. APPLEBY: I can understand them not
wanting to have a decision on this at this point. I
don't want to give you the impression that even with
the condition that I would propose that you're going
to get this access. I personally don't think it ought
to have one, but I would make a recommendation for
approval without the Staff's condition, but adding a
additional condition. That before any development of
the property may occur the applicant would be required
to submit a development plan and a Traffic Impact
Study which specifically deals with access to the

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property from Highway 54, and with the following Findings of Fact, 1 through 3 and Findings of Fact Number 4 would now read, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

CHAIRMAN: Mr. Appleby, my question is: I don't want us to do something and actually put the applicant in a worse situation than he was when he began. I mean by putting the requirement where he would have to do this traffic survey and everything.

MR. APPLEBY: My concern is that there's going to have to be a Traffic Impact Study because I can see an access point at this particular location causing conflicting right and left turn at the intersection.

CHAIRMAN: That was my question. I didn't want to do something --

MR. APPLEBY: I don't think it needs to be done. It's up to the applicant whether he's willing to do that. This would give him the option.

MR. SILVERT: Would you state your name, please?

MR. HAGAN: Francis Hagan.

(FRANCIS HAGAN SWORN BY ATTORNEY.)

MR. HAGAN: I don't really understand why
we're worried about this here. This is a state highway and the state is going to decide that when I need to do something there. I don't really know exactly what I'm going to do or I would tell you. I just want to keep the door open right now. Like I say, to me we should strike the whole thing. The thing right across the road from me there it's the same thing that I got. They've got access no problem. I don't know that I even want to. I don't know why we need to close the door on it right now.

CHAIRMAN: Mr. Hagan, my question to Mr. Appleby, I just want to make sure by what we were doing we weren't going to put you in a worse situation by it being turned over to the state.

MR. HAGAN: I appreciate that. I would like to strike the whole thing and forget it. The state will take care of it when I get ready. I'll have a development plan and then all of that will have to happen.

CHAIRMAN: I just didn't want you to be moved up with the state and then have to spend a whole lot more money. That's what I was protecting.

MR. HAGAN: I appreciate that.

CHAIRMAN: All right. That was my question.

Mr. Appleby.

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MR. APPLEBY: The proposal that I am making would give you the possibility of an access point on that property or perhaps a combined access joint, combined access point on the property line. I don't know. You could possibly get an access point with what I'm proposing. It doesn't tie your development specific, your zoning specifically to having no access on 54. What I'm asking is that the Planning Staff have a say in whether or not that access is granted at such time as you submit a development plan. You wouldn't necessarily be required to submit a development plan, would he, for a single lot?

MR. NOFFSINGER: Yes. What we're recommending is a financial development plan to be approved in-house by the director. If he disagrees with that plan, it can be appealed to the Planning Commission.

MR. APPLEBY: I'm leaving you the option to justify and determine that you can get an access point there. I don't know that it would be granted or not. With what I'm proposing, you do at least have that option to still attempt to get one if that's determined that's what you want to do there.

MR. HAGAN: Whatever you all think is best.

MS. KNIGHT: Mr. Chairman, may I ask?

CHAIRMAN: Yes, ma'am.
MS. KNIGHT: You were talking about rather than turning it over to the state, and I don't know what the state require on that. I guess there's a possibility that they wouldn't require a Traffic Impact Study. Is that maybe what you were thinking?

CHAIRMAN: My thought was I didn't want you to go and be put in a different situation where you would incur a great deal more expenses and then not get an access. You know, I was asking to clear my mind that we weren't giving you something, but yet we were hurting you in the long run by more expenses.

MS. KNIGHT: I understand.

CHAIRMAN: Mr. Howard, did you have something?

MR. HOWARD: No. Just to answer her question.

It would depend on the use as far as what the state would require in regards to a Traffic Impact Study. If it was a very low traffic generator, one may not be required. You all could make it a condition and that's part of what Mr. Appleby's condition is.

MR. APPLEBY: If they want access on 54, I think that they will do a Traffic Impact Study. That's what I'm proposing.

CHAIRMAN: Anybody else have any other questions or comments?
MR. REEVES: I would second Mr. Appleby's motion because I think it is reasonable. I think it is reasonable. It could be some additional expense, but I still think it's reasonable for us to stay involved to that extent. We have some assurance that a prudent traffic study to make sure it is safe.

CHAIRMAN: Mr. Reeves, you've got a second.

We've got a motion and a second. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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MAJOR SUBDIVISIONS

ITEM 4

Robert J. Wimsatt, 2.785 acres

Consider a request by the applicant for revocation of a major subdivision preliminary plat.

Applicant: Robert J. Wimsatt

MR. NOFFSINGER: Mr. Chairman, I have a letter from Mr. Wimsatt that I would like to read into the record.

"On 12/11/03 the OMPC approved a preliminary plat on 2.783 acres I own on Medley Road titled the Robert J. Wimsatt Amended Preliminary Subdivision Plat. This plat was submitted with the expectation

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that a particular builder would purchase these lots as
approved and construct homes. Since that has not
occurred and I have no expectation of such, I am
hereby officially asking that the OMPC revoke the
preliminary plat approved at that time. Cordially,
Robert J. Wimsatt."

With that, Mr. Chairman, Planning Staff would
recommend that you revoke the approval of this
preliminary plat.

CHAIRMAN: Do we need a motion and a second?

MR. NOFFSINGER: Yes, sir.

MR. APPLEBY: Motion to revoke the previous
plat.

CHAIRMAN: Motion by Mr. Appleby.

MR. PEDLEY: Second.

CHAIRMAN: Second by Mr. Pedley. All in favor
raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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AGRICULTURAL DIVISION

ITEM 5

2855 Highway 554, 76+/- acres
Consider review of agricultural division plat.

Applicant: James R. Wilhoite

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MR. NOFFSINGER: Mr. Chairman, Brian Howard is here to speak to this division.

MR. HOWARD: This plat comes before you with several exceptions.

It currently is about a 75 acre parcel. When the 75 acre parcel was created back in the 2000's, there was a note that was put on the plat, "that subject property should not be further subdivided."

It didn't meet subdivision regulations.

I know the applicant's surveyor is here tonight to answer your questions as well.

My understanding is that they wish to create the 10 acre parcel around an existing home and have the 65 acre parcel on a separate parcel due to some mortgage and finance issues. The existing lot has no road frontage. It has an access easement and passway to Highway 554. Therefore, with it being an existing parcel with no road frontage creating a second parcel with no road frontage, Staff could not sign it in-house and we cannot recommend approval to you all because we are creating additional tracts without road frontage.

Again, the applicant's surveyor is here and may be able to address it further. They have noted on the plat that the property won't be further subdivided
until it meets subdivision regulations. They also
added a note to the plat today that stated that the
use of both parcels is for agricultural use only and
no additional building permits will be issued for
residential structures on either parcel, on any of the
75 acres. So they made those changes in an attempt to
maybe make it more powerful in creating a second lot
with no road frontage at all.

Again, Staff couldn't sign it in-house and
Staff can't recommend the approval of it because it's
creating additional parcel with no road frontage.

CHAIRMAN: Anybody here representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission have
any comments?

MR. APPLEBY: I can't see that it would make
the situation really any worse than it is. I
understand they're probably not wanting to mortgage
the whole property. I don't know. I make a motion to
approve it.

MR. KAZLAUSKAS: Second.

CHAIRMAN: Approval by Mr. Appleby. Second by
Mr. Kazlauskas. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMN: Motion carries unanimously.

Next item.

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NEW BUSINESS

ITEM 9

Consider approval of the August 2012 financial statements.

MR. NOFFSINGER: Mr. Chairman, each individual member has been mailed a copy of the financial statements and are ready for your consideration.

CHAIRMN: Is there anybody from the audience or commission have questions?

(NO RESPONSE)

CHAIRMN: If not the chair is ready for a motion.

MR. KAZLAUSKAS: So move.

CHAIRMN: Motion for approval by Mr. Kazlauskas.

MR. REEVES: Second.

CHAIRMN: Second by Mr. Reeves. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMN: Motion carries unanimously.

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Before we make a motion for adjournment, Mr. Kazlauskas, I want to apologize for possibly cutting you off. There was no intention. I was just moving forward. I had no intentions of cutting you off.

With that being said the chair is ready for one final motion.

MR. PEDLEY: Motion to adjourn.

CHAIRMAN: Motion for adjournment by Mr. Pedley.

MR. KAZLAUSKAS: Second.

CHAIRMAN: Second by Mr. Kazlauskas. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We were adjourned.

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STATE OF KENTUCKY )

)SS: REPORTER'S CERTIFICATE

COUNTY OF DAVIESS )

I, LYNNETTE KOLLER FUCHS, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning Commission meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 61 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 30th day of September, 2012.

LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY  42303

COMMISSION EXPIRES:  DECEMBER 16, 2014

COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY

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