

**STATEMENT ON THE FILING OF AN APPEAL
TO OVERTURN PRELIMINARY APPROVAL
OF THE PROPOSED ROSE ISLAND GLEN DEVELOPMENT**

By

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On June 24, 2021, the Rose Island Road Community Preservation Alliance, LLC (The Alliance) filed a civil complaint and petition to the Oldham Circuit Court of the Commonwealth of Kentucky for Declaration of Rights relative to the preliminary approval of Rose Island Glen (Docket # PZ-21-010, Canfield Development Company) on May 25, 2021 by the Oldham County Planning Commission.

The basis of the appeal is that approval of this plan would allow the construction of 94 buildable lots, road, and septic infrastructure, in a manner which is inconsistent with the Oldham County Subdivision Regulations and the Oldham County Comprehensive Plan.

The Alliance's objectives in bringing this appeal is for the court to find and declare that the action of the Planning Commission to approve the Rose Island Glen was contrary to existing Oldham County ordinances and regulations and is arbitrary. We ask the court to rule that the preliminary approval issued by the Oldham County Planning Commission's on May 25, 2021, in Docket No. PZ-21-010 is null and void.

The issues of concern with this development are important and will impact every homeowner and resident in the area. That's why people signed over 300 petitions against the plan. These petitions, along with extensive documentation and testimony in opposition to the plan, were presented to the Oldham County Planning and Zoning Commission prior to and during the Planning Commission's May 25, 2021 hearing.

We believe that the proposed development is a threat to the health, safety, and welfare of the residents of Oldham County due to inadequate sanitary sewer planning, storm water management, environmental, and traffic concerns.

Rose Island Road Community Preservation Alliance, LLC is a Kentucky not-for profit corporation whose mission is to preserve, sustain and advance the essential character and amenities of communities in the vicinity of Rose Island Road in Prospect, Kentucky.

The appeal includes the following concerns:

a. Septic System vs. Sanitary Sewage Treatment:

- i. Rose Island Glen intends to utilize 94 individual on-site septic systems, despite Oldham County Subdivision Regulation Section 7.4 requirement for use of public sanitary systems when the proposed subdivision is located within one-half mile of a public sanitary sewer system.
- ii. Location of these planned septic systems is in violation of the Oldham County Flood Protection Ordinance Chapter 151, Section 151.069 which cites intent to “preclude utilities and septic systems from being underwater for significant periods of time from annual, seasonal flooding and shall be designed to eliminate infiltration into the systems and discharges and from the systems into floodwaters.”
- iii. At least 27 of the proposed lots will be partially located in the 100-year floodplain in violation of the Flood Protection Ordinance, Chapter 151, Section 151.069 which prohibits septic system usage in a floodplain.
- iv. Several residences adjacent to the subdivision boundaries use private wells for drinking water which could be potentially contaminated by the use and possible failure of septic systems. Further, some of these wells are located in an active Clean Water Wellhead Protection Zone.

b. Storm Water Management:

- i. The design of the development’s storm water runoff management system calls for use of open detention basins within the existing 100-year floodplain violating the Oldham County’s Flood Prevention Ordinance, “Standards for Subdivision Proposals within the Regulatory Floodplain,” which requires the developer to identify hazards and minimize flooding damage.
- ii. Further, there is concern that the proposed detention basins will fill with silt and debris as is does the nearby Little Huckleberry Creek after regularly occurring rain events and seasonal Ohio River flooding. Malfunction of the detention basins would increase the risk, degree, and duration of flooding to property and existing homes in the affected areas.

c. Traffic and Traffic/Bicyclist Safety:

- i. The proposed development would be served exclusively by the inadequate and dangerous traffic and road conditions on Rose Island Road (KY3222) and the proposed development will only exacerbate such conditions. The 94 residences are projected to generate 1,000 more daily trips on Rose Island Road south toward KY 42. Further, dangerously oversized construction vehicle traffic will exacerbate the already hazardous traffic conditions during the projected 6-to 8 year construction span.

d. Environmental Study and Conservation Plan:

- i. The Alliance is concerned with the developer’s lack of release of any environmental studies of the site or of any documentation of existing environmentally sensitive features as is required by Oldham County Subdivision Regulations. In addition to the Little Huckleberry Creek, a blue-line stream, there are several seasonal streams which must be identified by the developer via an environmental study. Absent documentation and an appropriate plan for protection, these streams could be in-filled during construction.
- ii. Additionally, the Alliance desires the developer to establish a buffer zone around the circumference of the entire site and assure maximum tree conservation.

e. Violation of the Oldham County Comprehensive Plan:

- i. The approved plan violates numerous goals and objectives of the Oldham County Comprehensive Plan, including but not limited to Goal E-1, Objective E-2-2, Objective E-2-6, and Goal CF-3 relating to storm water management, Goal T-1, Objective T-1-3, and Goal T-3 relating to traffic concerns and maintaining the appearance of scenic corridors, as well as Objectives E-1-4 and CF-2-2, relating to sanitary sewer collection.

The Alliance’s funding for this appeal has been provided through generous donations by community members who voiced concern about the negative impact the development could have on traffic safety, sewage management and flooding of Rose Island communities. Further, donors expressed concern about the apparent disregard for the Oldham County’s Subdivision Plan and for the Oldham County Comprehensive Plan.

For more information, photos and reports or to donate to the appeal effort, people can visit the website at www.RoseIslandRoadCommunityPreservation.com.

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