

On May 25, 2021 the Oldham County Planning Commission approved an application for a 94 home site, Rose Island Glen. The development, which will encompass 217 acres, will use Rose Island Road exclusively for north/south travel accessed via Harmony Village Drive.

Hearing Outcome Perspective

Opponents articulated their concern via mail and email as well as in testimony during the Planning Commission public hearing. Opposition petitions of more than 300 area residents were presented to the Commissioners 8 days ahead of the hearing; a 15 page detailed opposition letter was presented to the Commissioners 6 days ahead of the hearing. Yet, the Commission seemed to take little note of this documented written opposition or the testimony of opponents.

The points of opposition can be summarized into two main topics:

- 1) Traffic and safety concerns to drivers and bicyclists on Rose Island Road
- 2) Environmental concerns, including
 - a) Health and safety threats from the use of 94 new septic systems in an active flood plain,
 - b) Threats to existing residences from storm water runoff due to a questionable storm water management system design,
 - c) Concern for the areas that are zoned as "Conservation/Residential District (CO-1)" and are frail topography for future water supplies and the watershed.

Opposition Issue Details:

1) Traffic and safety concerns to drivers and bicyclists on Rose Island Road:

- The safety of local residents traveling Rose Island Road was the almost unanimous concern of residents signing the 301 opposition petitions. Most people have had harrowing and near miss incidents on this legacy country hilly road that is in poor condition with 5 hazardous curves, 10+ blind spots, no shoulders, wildlife sightings, pooled water in places and more.
- The posted speed limit is 35 mph, but casual observation reveals that the actual speed for many drivers is frequently 5-10 mph higher.
- The Kentucky State Police Collision Data Analysis website data shows that since January 2016, there have been 79 reported traffic accidents (20 involving personal injury and 59 property damage) - on a less than 4 mile segment of roadway. **During the week of May 23 alone, three more crashes involving injuries and a rollover occurred.**
- The developer's Traffic Impact Study states that the proposed development will add nearly 1,000 more trips daily from the residents alone without considering construction, service and delivery vehicles.
- The developer's Traffic Impact Study considers only one metric (project intersection wait time) and only for intersections within Oldham County, concluding "minimal impact to the existing highway network". The report was silent as to safety, road conditions, bicyclists, but did acknowledge that "Rose Island Road has not been constructed to modern standards. ... the road way needs to be modernized" and listed four needed improvements.

- At the Commission hearing, the developer's team casually attributed crashes on Rose Island Road to "driver behavior" which "cannot be regulated".
- Opponents assert that the known substantial safety hazards and history of excessive crashes (79 in 4 miles of roadway over a 5 year period) on Rose Island Road, compel Oldham County and the Kentucky Transportation Cabinet to exercise their **duty and obligation to protect the health and safety of current road users (estimated to be 4900 trips daily) by remediating this safety hazards before approving any development which will increase daily traffic substantially.**

2) Environmental concerns:

Septic System Use:

- Another common concern was health and safety threats to many existing residents due to the use of 94 new septic systems in an active flood plain.
 - The Planning Commission approved the use of septic systems; however, Oldham County Subdivision Regulations Section 7.4, cite intent for use of public sanitary sewer systems when existing public waste water treatment plants are reasonably accessible: defined as with ½ mile of the development. The Ohio River Waste Water Treatment and existing lines to it in the Rivers Landing and Yacht Club Estates are inside this ½ mile radius. **Accordingly, the proposed development could use public sewer utilities instead of septic. But, the cost of linking to public sewer systems (thus profit) has been identified as a "limiting" factor by the developer.**
 - By the developer's plat, it appears that 27 of the lots are partially in the 100-year flood plain where septic systems could be subject to recurring seasonal flood damage and malfunction. This plan violates the intent of Oldham County Flood Protection Ordinance Chapter 151 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.
 - There are several existing community residences using private wells for drinking water, some of which are located in an active Clean Water Wellhead Protection Zone.
 - The 4 public agencies that regulate various aspects of water and sewer issues or development activities in the flood plain via a permitting process were not all represented at the Technical Review Committee Meeting on April 21, 2021. Consequently, the public has not been afforded the benefit of their regulatory oversight reviews of the proposed development.

Storm Water Runoff Management:

- The proposed storm water management system uses two detention basins to collect and release storm water runoff from the subdivision. This plan is mis-engineered for the topology of the site, considering recurrent seasonal Ohio River flooding. Water to be collected will not discharge into the Ohio River; but rather out to two low-lying open areas for eventual collection by the low-capacity Little Huckleberry Creek, a designated blue line stream.
- Seasonal flooding of the Ohio River begins with backup of Little Huckleberry Creek and progresses northward until all roadway access to Riverside Drive and lower Oldham Acres Road is cut off. This flooding will likely cause the detention basins located in low-lying areas of the flood plain to become silted and clogged with debris causing their malfunction. **It is important to note that even in current conditions**

with the open field available to absorb storm water these areas have been inundated by high flood water in 3 of the past 5 years.

- The developer has asserted that he will be responsible to maintain the storm water management (detention basins) until the new homeowner's association (HOA) is in place and will then transfer responsibility over to this HOA via deed restrictions or covenants. **However, the new development residents and their HOA WILL NOT experience the consequences of probable storm water management system failure; they will be less inclined to place remediation as a high HOA priority leaving the current residents of Harmony Village and Oldham Acres to bear the consequences of a system malfunction.**

Environmental concerns for the frail topography:

- **The developer has not provided any statement regarding environmental impact of the proposed development despite the requirement to do so in Oldham County Ordinances and Regulations.** Further, the developer's plat does not depict sensitive environmental features as required by the Oldham County Subdivision Regulations. These omissions preclude assessment of environmental equities and sensitivities.
- 27 of the 94 lots have a portion of the lot in the flood plain and 16 of 94 lots are split-zoned between Conservation/Residential District (CO-1) and Residential (R2). Of particular concern are the Conservation-zoned lots, as Oldham County has already established that the intent of a conservation zone is to **"promote and protect significant natural features, wooded areas, water courses, existing and potential lake sites, other recreational and conservation resources, wildlife habitat, present and future water supplies, and to minimize erosion of soil and the siltation and pollution of streams and lakes."**(See Zoning Ordinance, Page 9
- Analysis of and acquisition of required permits from regulatory agencies will be critical to the viability of this development and the developer must be compelled to be forthcoming with these results. Agencies include: US Army Corp of Engineers, KY Department of Water, and Oldham County Storm Water Quality Management and Erosion Control (SWQMEC), and the Oldham County Floodplain Coordinator.

Detailed sources, citations, and additional background information are available upon request.

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