

St Germain, Dante

From: Jeff Frank <jeffreyericfrank@gmail.com>
Sent: Wednesday, May 24, 2023 11:25 AM
To: St Germain, Dante
Cc: Jeff Frank
Subject: 23-Extension_0006 Comments
Attachments: Top 10 reasons to not renew Covington by the Park.pdf

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Hi Dante,

Attached please find comments for the DRC review this afternoon...

Please enter them in the case file and could you please have the pdf loaded on the presentation pc.... I'll bring a flash drive and hard copies in case...

Thanks!

Jeff

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Jeff Frank
Friends of Floyds Fork
502.552.3920 - cell
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23-Extension-0006
05/24/2023 DRC Meeting

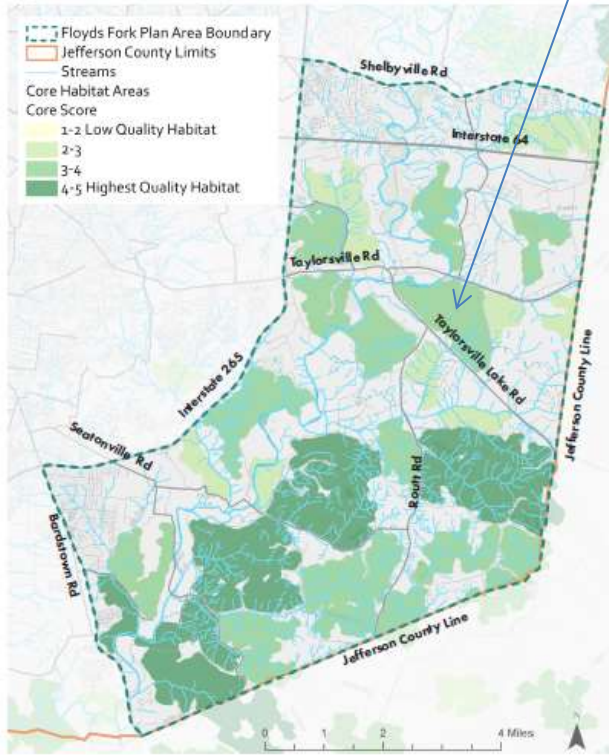
Top 10 reasons to not renew Covington by the Park –
17SUBDIV1022

(Or Trestle Point or Trestle Creek or any major subdivision
in the South Floyds Fork Area Study boundaries)

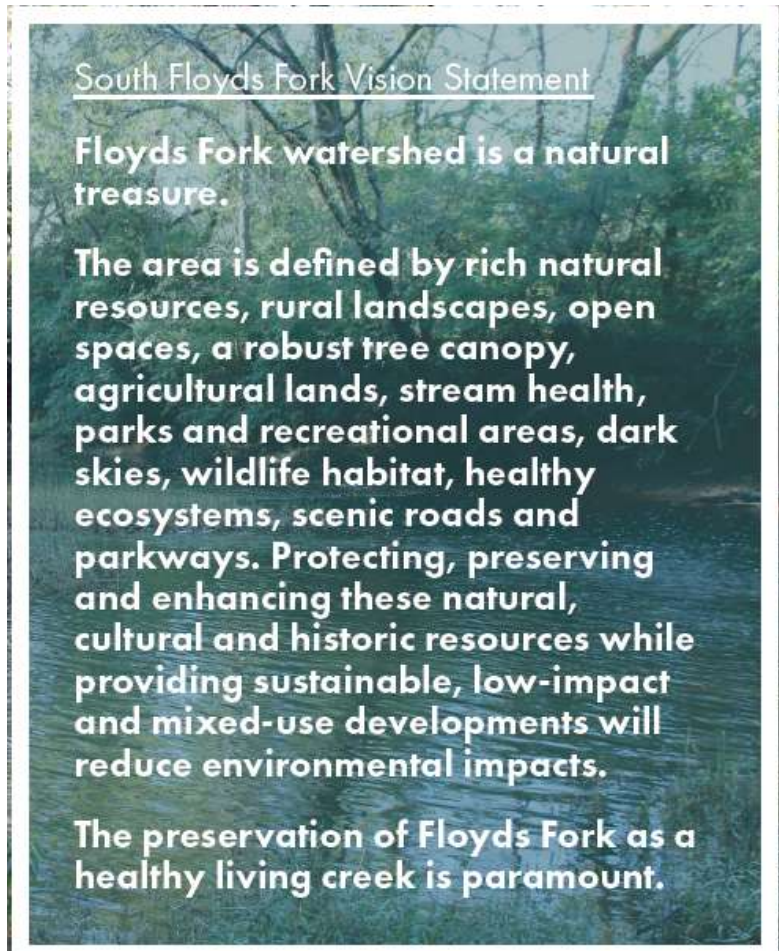
1. This project was approved in Sept. of 2018, it has been nearly 5 years since approval and no substantive activity by the developer has occurred.
2. Metro council has adopted the South Floyds Fork area study calling for a Conservation Form district with Low Impact Development standards. This proposal was approved prior to adoption of the SFFAS using conventional high impact R4 criteria and should be reevaluated in the context of the new guidance.
3. The SFFAS identified the key remaining areas of high quality habitat in the Floyds Fork Watershed. Covington by the Park if built as currently designed would decimate one of the highest ranking habitats remaining in the Watershed and result in impervious cover 3-4x that required to protect stream health

Covington By The Park

Figure 16. Core Habitat Areas (ESRI)



4. "The preservation of Floyds Fork as a healthy living creek is paramount". "Floyds Fork watershed is a natural treasure" - These are the adopted priorities and language by Metro Council guiding review and approval of development projects in the FF watershed. Reauthorizing this development will completely ignore this mandate.



5. Proposed sewer infrastructure to allow construction of this major subdivision is not available at present, is currently under design, and is 3-5+ years away from being placed- if it allowed to be placed at all... It would be reasonable to hope that the Conservation Form and Low Impact standards will be in place and could be used for review of a resubmittal of this project

6. The proposed sewer infrastructure proposal is deeply flawed as presently envisioned. First it is a classic private developer driven sprawl utility that (under the current land use code) would allow development at densities assured to destroy the health of any of the affected tributaries of Floyds Fork and ultimately the Fork itself.

7. The proposed sewer (if completed) directs its proposed loads to the MSD Cedar Creek wastewater facility. Due to the impaired nature of the stream this facility's 5 year permit to operate and its renewal was assertively challenged in May and June of 2021 by a local and national coalition of water quality advocates. The permit to operate this facility expired on August 31st, 2020. The state has failed to respond to the challenge over this facility's operating permit and the permit review and renewal are now 33 months overdue.

8. Where developed to typical suburban R4 densities Floyds Fork is already impaired by post development storm and wastewater loads. Long Run and Chenoweth Run are the subject of a proposed \$12.4 Million dollar US Army Corp of Engineers Sec 206 ecosystem restoration effort for portions of both streams. Downstream of typical Jefferson County suburban and commercial development they are both scoured out to bedrock and adversely affected by exactly the same type of development proposed for Covington by the Park - R4+ with impervious surface over 40%- 4 times the level that allows a stream to survive.

9. The state has been delinquent in not only issuing timely review and renewal of MSD's Cedar Creek and Floyds Fork operating permits it is further delinquent in issuing overarching guidance on the Forks carrying capacity for nutrient and storm water loads. This guidance, in the form of an updated nutrient TMDL, is required to assign wastewater permit and stormwater loads, and is also the current subject of an ongoing 15 year legal effort to not continue to exceed the carrying capacity of Floyds Fork. The completion and adoption of the new TMDL guidelines is expected to significantly impact MSD's and others operating permits in the watershed, until they are promulgated the operating permits and expansion permits for major Floyds Fork Facilities will continue to be challenged.

10. It is common knowledge that the major subdivision and development approval process in Jefferson County results in grossly inadequate system development revenues, snarled traffic systems, insufficient tax revenues to support ongoing requisite services, and asphalted ecosystems drained by fouled streams.

A common definition of insanity is continuing to do the same thing and expecting different results. The time is now to deny this reauthorization, finish the work of the SFFAS and implement regulations consistent with the adopted guidance for Floyds Fork.

It is past time to save a number of Floyds Forks tributaries, please act today to suspend this reauthorization until such time as the developer demonstrates the ability to access a viable currently permitted sewer connection and is compliance with the spirit and intent of the adopted guidance and prevailing regulations at the time of proposed construction start.

Sincerely,

Jeff Frank

Friends of Floyds Fork, LLC

P.O. Box 3

Fisherville KY 40023

St Germain, Dante

From: Harrell Hurst <harrell.hurst@gmail.com>
Sent: Thursday, May 18, 2023 1:50 PM
To: St Germain, Dante
Subject: Letter for DRC regarding 23-EXTENSION-0006
Attachments: 23-EXTENSION-0006 Hurst Letter 20230518.pdf

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

Dear Dante St. Germain:

Please find the attached letter regarding the above case scheduled to be considered by the Development Review Committee on May 24, 2023. Please include it in the record and make it available for that Public Hearing. Thank you for your efforts in management of this case.

Sincerely,
Harrell Hurst

May 18, 2023

16200 Taylorsville Road
Fisherville, KY 40023

Re: 23-EXTENSION-0006

Dear Members of the Development Review Committee:

I wish to express opposition to Extension of Expiration related to 17SUBDIV1022, also referred to as Covington by the Park. As an adjacent landowner, my farm will be adversely affected by this development as it is currently planned. Beyond this personal reason, there are other valid reasons why this extension should not be granted.

Since this development was approved in September 2018, the South Floyds Fork Area Study (SFFAS) was completed and approved by Metro Council. This high density development plan should be reconsidered in light of recommendations made in the resulting SFFAS Plan.

This planned large development is within the Floyds Fork watershed. The impervious surfaces produced by roads, roofs, and driveways with buildout according to the current plan will adversely affect the quality of the stream essential to our wonderful Parklands. As noted in the SFFAS Vision, "Floyds Fork is a natural treasure. The preservation of Floyds Fork as a healthy living creek is paramount."

The SFFAS noted that the property is rich habitat for wildlife, which should be seriously considered in future planning. Efforts are currently under way to define a Conservation Form District under Metro Plan 2040, and new recommendations could preserve such habitat along with development.

This subdivision currently awaits sewers for the area. These sewers are slow in coming due to costs and uncertainties regarding pipeline routing. The presumed target facility, the Cedar Creek treatment plant, is long overdue for approval of its operation permit.

Traffic on currently congested Taylorsville Lake and Taylorsville Roads will be adversely impacted due to the added burden generated by more than 600 new homes proposed in this subdivision.

I respectfully urge you to reject 23-EXTENSION-0006 at this time. A better development plan can be produced in the future under new guidelines.

Thank you,

Harrell Hurst, Chair
Fisherville Area Neighborhood Association