

**MINUTES OF REGULAR MEETING
OLDHAM COUNTY
PLANNING AND ZONING COMMISSION**

Tuesday, March 28, 2023

At 9:00a.m., local time on the above date, this meeting of the Oldham County Planning and Zoning Commission, hereinafter called the Commission, was called to order in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky, by Chairman Greg King.

Other Commission members present were:

Iva Davis	Berry Hampton	Tom Marsh
Thomas Elder	Sue Ann Jones	Suzy Walser
Joe Ender	Bob Klingenfus	Ben Winters
Sam Finney	Katie Nasser	

Commissioners William Douglas, John Falvey, and Ed Hafling were absent.

Others present and sworn in were Planning and Development Services Director Jim Urban, Assistant Director Brian Fogle, and Senior Planner Ryan Fischer. Attorney Berry Baxter was present for the meeting and Administrative Assistant Christy Edgar was the Secretary for the meeting.

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Reappointment of Board Members

Director Urban explained that in addition to the agenda that this board will need to reappointment two members, William Douglas to the Planning Commission Board and Charlie Ward to the Board of Adjustments.

Attorney Baxter explained, normally the Fiscal Court is responsible for the reappointment of the board members. However, if more than 60 days lapses from the period of time that a term expires without re-appointment, the vacancy is an appointment made by the Planning Commission.

Director Urban asked, does Mr. Douglas decisions still stand even after his term expired while sitting on the board?

Attorney Baxter answered, yes.

Judge Voegele explained, I would appreciate if this board would repoint William Douglas to the Planning Commission and Charlie Ward to the Board of Adjustments. Both of these candidates are excellent representatives of our community and do a good job of examining the facts and making the best decision that they are able to.

Director Urban explained, this is Charlie Ward Sr., Charlie Ward Jr. is on the Oldham County Health Department.

Motion was made by Commissioner Hampton and seconded by Commissioner Ender to reappoint William Douglas to the Oldham County Planning and Zoning Commission Board. Motion carried by unanimous voice vote.

Motion was made by Commissioner Nasser and seconded by Commissioner Ender to reappoint Charlie Ward to the Oldham County Board of Adjustments. Motion carried by unanimous voice vote.

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Secretary Christy Edgar called and read Docket:

PZ-23-005 – An application has been filed by Oldham County Public Library, Inc. for the approval of a Community Facility Review for the Oldham County Public Library located at 3000 Paramount Commons, Goshen. The property is zoned R-2 Residential District, R-4 Residential District, and AG-1 Agricultural District

1. Introduction of the new information by staff and questions by the Commission:

Assistant Director, Brian Fogle, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, March 28, 2023).
- Site history.
- Aerial Photos of the site.
- Photos of property.

2. Presentation by the applicant or representative and others in support of the application:

Julie Wilson, Oldham County Library Director, 308 Yager Ave, LaGrange, was present and sworn in prior to presenting.

- A correction to the site plan is the removal of the amphitheater, children's garden, and the walking trail because of budget issues.
- Library will be 17,000 square feet including 1000 square feet for the County Clerk's office.
- Expanded children's area and an activity room for kids to enjoy activities and story time.
- Will have a reading terrace that looks out onto the land.
- Presentation kitchen, coffee area, and reading area for people to come in and enjoy.

3. Questioning of the applicant or representative and others in support of the application by the Commission:

Commissioner Hampton asked, is the stub road an entrance?

Assistant Director Fogle replied, it is a future entrance to Paramount Estates Section 3.

Commissioner Hampton asked, will the Mahan close when this library opens?

Mrs. Wilson replied, the Mahan will close. The nature preserve plans to use that facility for other things.

Commissioner Finney asked, what is the total square footage of the library?

Mrs. Wilson replied, the library is 17,000 square feet and 1,000 square feet will be used by the County Clerks' Office so the library will be 16,100 square feet.

Commissioner Davis asked, where is parking located?

Mrs. Wilson replied, the staff parking for clerks and the library is on the side. In the back is a parking lot for visitors.

4. Testimony and questions by those opposing the application: None

5. Questioning of the applicant and those opposed to the application by the Commission: None

6. Rebuttal evidence and Cross Examination by the Applicant: None

7. Rebuttal evidence and Cross Examination by the Opposition: None

8. Final statement of the Opposition: None

9. Final statement of the Applicant: None

END OF PUBLIC HEARING

Director Urban summarized the motion for the application.

FINDINGS AND DECISIONS

Docket PZ-23-005

Community Facility Review

3000 Paramount Commons, Goshen

Motion was made by Commissioner Marsh and seconded by Commissioner Ender to accept the Community Facility Review at 3500 Paramount Commons, Goshen, because the proposed North Oldham Library Branch is in accordance with the following objectives and the Community Facilities & Services Plan Elements of the Comprehensive Plan and it does create an infrastructure to support our community and our county.

- Objective CF-1-2: Development priority areas should be given consideration for expansion or new construction of community facilities & services as an incentive for development to locate within these areas.
- Objective CF-1-3: Inform the community and provide special notice to all interested parties early in the process when developing or expanding community facilities.
- Objective CF-4-5: Expand county-wide learning opportunities for all ages by developing public/private partnerships to support cooperative financial and human resource sharing in order to maintain or create the infrastructure necessary to promote these lifelong learning opportunities.

The vote was as follows:

YES: Commissioners Davis, Elder, Ender, Finney, Hampton, Jones, Winters, Klingenfus, Nasser, Walser and Marsh.

NO: None.

ABSTAIN: None

ABSENT: Commissioners Douglas, Falvey, Hafling.

Motion passed on a vote of 11-0

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Secretary Christy Edgar called and read Docket:

PZ-23-006 – An application has been filed by Mason Construction & Development, LLC for the approval of Waivers for Required Minimum Parking and Minimum Lot Size on approximately 1.26 acres for a proposed self-storage facility. The property is located at 6007 Claymont Village Drive, Crestwood. The property is zoned C-3 Commercial.

1. Introduction of the new information by staff and questions by the Commission:

Senior Planner Ryan Fischer, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, March 28, 2023).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Director Urban asked, what were the conditions of approval from the board of adjustments hearing?

Senior Planner Fischer replied, I will need to check on this.

2. Presentation by the applicant or representative and others in support of the application:

Attorney Cliff Ashburner, Dinsmore & Shohl LLP, 101 S. Fifth Street, Louisville, was present and representing Dan Perkins with Mason Construction & Development, LLC.

- Introduced Mike Hill with Land Design and Development and Dan Perkins owner of Mason Construction & Development LLC.
- Zoned C-3.
- Class A, climate-controlled storage facility.
- Only access to this property is Claymont Village Drive.
- No parking in the back of the building, all parking in the front of the building.
- Key code to get in the building and the building has security cameras inside and out.

Dan Perkins, Mason Construction & Development, LLC, 6244 Old LaGrange Rd., Crestwood, was present and sworn in prior to presenting.

- Due to how steep the lot is in the back it has been a challenge to get the building on the lot.
- Not very many office buildings being built so this is a good alternative to building something on this lot.

Senior Planner Fischer read the conditions of approval from the Oldham County Board of Adjustment hearing on March 16, 2023.

- Conditional Use Permit shall be subject to the waivers being requested at the March 28, 2023, Planning Commission Hearing (PZ-23-006).

3. Questioning of the applicant or representative and others in support of the application by the Commission:

Commissioner Marsh asked, will this storage facility accommodate boats, campers, or cars?

Mr. Perkins answered, no, this is only inside storage.

Commissioner Marsh asked, so everyone will come in and out of the front doors and the parking in the front?

Mr. Perkins answered, yes.

Commissioner Klingenfus asked, what are the unit sizes?

Mr. Perkins replied, they range from 5'x8' up to 10'x20'.

Commissioner Nasser asked, will there be any buffer area in the rear of the property?

Mr. Perkins replied, the buffer area is there now. There are trees along the bypass.

Commissioner Ender asked, how many employees?

Mr. Perkins replied, one employee.

4. **Testimony and questions by those opposing the application: None**
5. **Questioning of the applicant and those opposed to the application by the Commission: None**
6. **Rebuttal evidence and Cross Examination by the Applicant: None**
7. **Rebuttal evidence and Cross Examination by the Opposition: None**
8. **Final statement of the Opposition: None**
9. **Final statement of the Applicant: None**

END OF PUBLIC HEARING

Director Urban summarized the motion for the application.

Commissioner Hampton asked, if I want to deny this do we have to go through the first three motions?

Director Urban replied, the first motion is whether the lot size waiver is appropriate. We will do each one separately. If the lot size waiver does not pass, then the other motions will not be needed.

FINDINGS AND DECISIONS

Docket PZ-23-006

Lot Size Waiver

6007 Claymont Village Drive

Minimum Lots Size:	3.0 Acres
Proposed Lot Size:	1.26 Acres
Waiver Request:	1.74 Acres

Motion was made by Commissioner Hampton and seconded by Commissioner Marsh to deny the 1.74 acre waiver request for the minimum lot size at 6007 Claymont Village Drive, Crestwood, because we have regulations and this amount of waiver seems to be too extreme.

The vote was as follows:

YES: Commissioners Hampton and Walser.

NO: Commissioners Davis, Elder, Ender, Finney, Jones, Winters, Klingenfus, Nasser and Marsh.

ABSTAIN: None

ABSENT: Commissioners Douglas, Falvey, Hafling.

Motion was denied on a vote of 2-9

Motion was made by Commissioner Finney and seconded by Commissioner Davis to approve the 1.74 acre waiver request for the minimum lot size at 6007 Claymont Village Drive, Crestwood, because it does fit the usage for this lot and will fit with the neighboring properties.

Conditions of Approval:

1. The waiver shall only apply to the plan reviewed at the March 28, 2023, Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Davis, Elder, Ender, Finney, Jones, Winters, Klingenfus, Nasser and Marsh.

NO: Commissioners Hampton and Walser.

ABSTAIN: None

ABSENT: Commissioners Douglas, Falvey, Hafling.

Motion passed on a vote of 9-2

Director Urban summarized the parking waiver motion for the application.

FINDINGS AND DECISIONS

Docket PZ-23-006

Parking Waiver

6007 Claymont Village Drive

Minimum Parking:	30 Parking Spaces
Proposed Parking:	16 Parking Spaces
Waiver Request:	14 Parking Spaces

Motion was made by Commissioner Nasser and seconded by Commissioner Davis to approve the waiver request for 14-parking spaces at 6007 Claymont Village Drive, Crestwood, based on the topography of the area and the nature of the use of the business complies with the comprehensive plan for the use of the area.

Conditions of Approval:

1. The waiver shall only apply to the plan reviewed at the March 28, 2023, Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Davis, Elder, Ender, Finney, Jones, Winters, Klingenfus, Nasser and Walser.

NO: Commissioners Hampton and Marsh.

ABSTAIN: None

ABSENT: Commissioners Douglas, Falvey, Hafling.

Motion passed on a vote of 9-2

Director Urban summarized the motion for the application.

FINDINGS AND DECISIONS

Docket PZ-23-006

Development Plan

6007 Claymont Village Drive

Motion was made by Commissioner Hampton to deny the development plan at 6007 Claymont Village Drive, Crestwood, because the waivers are unreasonable.

Attorney Baxter explained, there is not much that can be done with this motion since the lot size waiver and the parking lot waiver have already been approved.

Commissioner Hampton asked, why do we have this development plan motion?

Attorney Baxter explained, this board has already approved the waivers and now there is a building that has to be built so this is the development plan motion. Are you questioning the structure of the building?

Commissioner Hampton replied, no I have an issue with them putting a square peg in a round hole.

Attorney Baxter explained, you have already made that motion related to the same thing.

Commissioner Hampton replied, if I don't have the right to make this motion then I will retract the motion.

Attorney Baxter explained, you do have the right to make a motion to deny, but at this point, the lot size waiver and parking waiver have already been approved, so now the question is whether or not this building as proposed is appropriate for this site.

Commissioner Hampton replied, I don't believe it is.

Director Urban explained, your motion included a rehashing of the waivers. You can vote against the development plan if you choose.

Commissioner Hampton withdrew motion.

Motion was made by Commissioner Nasser and seconded by Commissioner Davis to approve the development plan at 6007 Claymont Village Drive, Crestwood, because it complies with the zoning of the area C-3 and the comprehensive plan for the area.

Conditions of Approval:

1. The approval shall only apply to the plan reviewed at the March 28, 2023, Planning Commission public hearing.
2. Lighting and landscape plans shall be submitted for review and approval at the time of the construction plan submittal.

The vote was as follows:

YES: Commissioners Davis, Elder, Ender, Finney, Jones, Winters, Klingenfus, Nasser, Marsh and Walser.

NO: Commissioners Hampton.

ABSTAIN: None

ABSENT: Commissioners Douglas, Falvey, Hafling.

Motion passed on a vote of 10-1

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Motion was made by Commissioner Winters and seconded by Commissioner Marsh to take a 15-minute recess at 10:05 AM. Motion carried by unanimous voice vote.

Chairman King called the meeting back into session at 10:20 AM.

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Secretary Christy Edgar called and read Docket:

PZ-23-007 – An application has been filed by OR Partners for the approval of an Amended Planned Unit Development (PUD) Master Plan for Oldham Reserve. The property is located at Eden Parkway & New Moody Lane, LaGrange.

1. Introduction of the new information by staff and questions by the Commission:

Assistant Director Brian Fogle, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, March 28, 2023).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Commissioner Finney asked, Oldham Reserve was originally developed to be the tax base for the county. It was to be commercial and industrial, to bring in industries. Are we defeating the purpose of the development by allowing housing?

Director Urban explained, this is proposed as a mix-use development. What this board is asked to consider is a revision to the master plan that was approved in 2005, and conditions have changed. And it is only changing one area of the Master Plan

Commissioner Finney asked, are we moving back to undo what we did?

Commissioner Marsh asked, why did they pick the location of the development?

Assistant Director Fogle replied, this will need to be asked of the applicant.

Commissioner Nasser asked, in the prior approval was there any high density residential?

Director Urban answered, there is medium density.

2. Presentation by the applicant or representative and others in support of the application:

Attorney Jeff Adamson, Adamson Law, PLLC, 119 S. Sherrin Ave, Louisville, was present and representing the Oldham LaGrange Development Authority (OLDA).

- The development was envisioned to be a place to live, work and play.
- The change is consistent with the Oldham Reserve intent.
- To help serve the employees of the nearby businesses.
- This change to the PUD will help the Oldham Reserve development.

Director Urban explained, just so the commissioners are not confused this is not a zoning change this is a revision to the PUD Master Plan and Master Plan Report.

David Biziances, President of Oldham County Chamber & Economic Development, 204 S 1st Ave, LaGrange, was present and sworn in prior to presenting.

- The update to the master plan is sufficient and relative to the market that is here.
- Quality project and high standard for the community.

Mayor John Black, LaGrange City Mayor, 307 W. Jefferson St., LaGrange, was present and sworn in prior to presenting.

- The last 10-15 years have been trying to put into place the needed infrastructure to make this park a success.
- The new exit 20 ramps will be a huge factor in the success of this park.
- Ten years ago the vision was to have a huge shopping center and nowadays the shopping centers are in the past because everyone is shopping online.
- The city and the county share everything in this park, from the income to the expenses, and are split equally.

Judge-Executive David Voegele, Oldham County Fiscal Court, 100 W. Jefferson Street, LaGrange was present and presented.

- Agree with everything that Mayor Black has said.
- Tried hard to get businesses but now need to open it up to residential.
- Strongly feel this development is what this park needs to get up and off the ground.

3. Questioning of the applicant or representative and others in support of the application by the Commission:

Commissioner Marsh asked, why was this area selected. Why not up against a road?

Attorney Adamson answered, they have plans for mixed use commercial all around the 26-acre plot.

Commissioner Marsh asked, will all the other possibilities be mingled into this after change?

Attorney Adamson replied, yes we are hoping the multi-family unit will spark additional interest.

Mr. Biziances explained, the top two county employers being located right there and being able to have people that can walk get coffee and walk right into work is one of the amenities and features of this park.

Chairman King asked, increase in density can you tie that together with the infrastructure and this general area?

Mr. Biziances replied, the new infrastructure will relieve all the congestion and create opportunities.

Commissioner Klingenfus asked, are you visioning this with families with children?

Attorney Adamson replied, maybe families with children.

Mr. Biziances replied, this is a very high-end development.

4. Testimony and questions by those opposing the application:

Amy Holiday, 2704 New Moody Lane, LaGrange, was present and sworn in prior to presenting.

- Concerned about crime, traffic, noise, and lighting.
- Would like a buffer to keep the neighborhood safe.

5. Questioning of the applicant and those opposed to the application by the Commission: None.

6. Rebuttal evidence and Cross Examination by the Applicant:

Attorney Adamson explained, the development plans will be approved at a different stage and there will be plenty of opportunity for the neighbor homeowners to ask questions at that time.

7. Rebuttal evidence and Cross Examination by the Opposition: None

8. Final statement of the Opposition:

Mrs. Holiday final statement, hope that this board will take in consideration the direct impact this will have on our children that live in the community and the potential for crime.

9. Final statement of the Applicant:

Attorney Adamson final statement, this multi-family project is a high-end class A development.

END OF PUBLIC HEARING

Director Urban summarized the first motion for the application.

Commissioner Nasser asked, does creating this residential high density create that for future PUD opportunities?

Director Urban answered, someone could come with a planned unit development proposal that could include higher density if they chose. But this does not change the zoning regulations for other land uses so individual parcels still have the highest density of 16 units per acre.

Commissioner Jones asked, how can the structure take up 100% of the lot but also maintain the setbacks?

Director Urban answered, it really cannot be 100% because it has to have parking and landscaping as well.

Commissioner Jones asked, does this need to be changed?

Director Urban answered, it was proposed by the development partners.

FINDINGS AND DECISIONS

Docket PZ-23-007

Amended Planned Unit Development (PUD)

PUD Master Plan

Eden Parkway & Peak Road

Oldham Reserve

Motion was made by Commissioner Marsh and seconded by Commissioner Hampton to approve the amended Master Plan and Master Plan Report for Oldham Reserve to include the requested high-density district at Eden Parkway & Peak Road, LaGrange, because the proposal is desirable to the community and is not in conflict with the previously approved Oldham Reserve Planned Unit Development's Master Plan because it achieves the character and objectives for the Oldham Reserve and the community has a need for the facility and it is compatible with surrounding land uses and the proposal will not impair the integrity and

character of the community and the public facilities will be a great addition to the county. Including the Amendment to the Master Plan Report and the Binding Elements.

AMENDMENT TO THE MASTER PLAN REPORT

PURPOSE: TO CHANGE REFERENCES FROM OLDHAM COUNTY ECONOMIC DEVELOPMENT AUTHORITY [OCEDA) TO OLDHAM LAGRANGE DEVELOPMENT AUTHORITY [OLDA) AND TO CREATE A NEW DIVISION UNDER PART 3 -LAND USE FOR THE PLANNED UNIT DEVELOPMENT FOR OLDHAM RESERVE AS FOLLOWS:

NAME CHANGE -All references in this Master Plan to the Oldham County Economic Development Authority or OCEDA are hereby changed to the Oldham LaGrange Development Authority or OLDA.

DIVISION RH Residential High Density District

Intent

The purpose of the RH Residential High-Density District is to allow the development of medium to high-density residential communities and multi-family communities. The neighborhoods are to reflect their natural setting emphasizing connections to open space, parks, trails and other use of green space.

An overall density of up to 24 units per acre is permitted in the district. It is intended that the district permit development to the maximum permitted density. Flexibility will be permitted in order to place higher densities near roadways and on more level, building sites and lower-density homes where site constraints dictate.

Permitted Uses

- Residential
- Multi-Family – 24 Units per acre maximum density
- Agricultural Uses
- Retail or Restaurant uses with no drive thru
- Public Parks and Recreation
- Public Parks and Forest Preserves
- Public picnic grounds; bridle and bicycle paths
- Swimming pools, tennis courts, pickle ball, clubhouse and related multi-family amenities
- Lakes (man-made) non-commercial

Conditional Uses

- Agricultural Uses
- Riding Academies and Stables
- Community Facilities and Services
- Day Care Facilities

District Property Development Regulations

Minimum Lot Area: 10 Acres

Minimum Lot Width: 50 feet Detached

Maximum Density/Intensity: 24 DU/Acre and 0.50 FAR

Minimum Front Yard Setback: 20 Feet

Minimum Side Yard Setback:

5 Feet

10 Feet total for both sides (5' & 5') if not street side

20 Feet for street side

Minimum Rear Yard Setback:

20 Feet

Maximum Lot Coverage for Structures:

100% of the Lot Area-including multi-family

Maximum Structure Height:

The greater of 5 stories or 60 feet, unless a higher structure is permitted by applicable building codes, servicing Fire Department Guidelines and the Oldham Reserve Architectural Review Committee, and with final approval by the Planning and Zoning Commission.

Binding Elements:

1. There shall be no significant changes to the Oldham Reserve Master Plan Report & Land Use Map as presented at the March 28, 2023, Oldham County Planning Commission public hearing without review & approval of the Commission.
2. Each individual site plan shall be reviewed by the Oldham County Planning Commission.
3. The development & site plans must comply with all established federal, state and county ordinances and requirements at the time of approval.

The vote was as follows:

YES: Commissioners Davis, Elder, Ender, Finney, Jones, Hampton, Klingenfus,

Nasser, Marsh, Walser and Winters.

NO: None.

ABSTAIN: None.

ABSENT: Commissioners Douglas, Falvey and Hafling.

Motion passed on a vote of 11-0

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Approval of Minutes

Director Urban explained the Binding Element number 4 on page 6. JAS Realty is responsible to make improvements to the property and not McDonald's.

Motion was made by Commissioner Elder and seconded by Commissioner Ender to approve February 28, 2023, minutes as submitted. Motion carried by unanimous voice vote.

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Secretary Christy Edgar called and read Docket:

PZ-23-008 - Public hearing regarding revisions to the Oldham County Comprehensive Zoning Ordinance (Sections 250-210, 250-220, 260-035, 260-210, 260-340, 270-050, 335).

Director Urban explained, Planning Commission has already recommended approval by the legislative body of the proposed changes to the zoning ordinances. Due to turnover in staff, this never made it to the legislative bodies. The SRC has recently re-reviewed the recommended changes.

Assistant Director Brian Fogle, presented the following:

- Summarized the changes to each zoning ordinance section. (see Exhibit A, Staff Report dated, March 28, 2023)

Establish Private Clubs as a Permitted Use or a Conditional Use on the basis of Zoning District

- Private Clubs are a Permitted Use in the following zoning districts: O-1, O-2, C-N, C-1, C-2, C-3, C-4, I-1, I-2, IPD, and PRD.
- Private Clubs are a Conditional Use in the following zoning districts: AG-1, AG-2, CO-1, R-1, R-1A, R-2, R-2A, R-3, R-4, and R-4A.

Add Section 250-220: Public or Private Clubs Including Swimming, Tennis or Other Recreation.

- All new buildings, structures, and facilities shall be at least thirty (30) feet from any property line.
- Roads and parking shall be of a non-dusting, all-weather type.

- Swimming pools shall be enclosed by a fence, or other protective device, at least six (6) feet in height prior to use.
- Meet all landscaping requirements of Division 300 including Table 300.3 Planting Requirements.

Modify Section 260-340:

- Meet all landscaping requirements of Division 300 including Table 300.3 Planting Requirements.

Add a definition for Private Clubs to Division 420 Definitions:

- Private Club - A building and/or property for the exclusive use by members and their guests for social, educational, or cultural activities. The facility can also include recreational features such as swimming pools and/or tennis courts but specifically excludes golf courses.

Questioning by the commission for this section of the ordinance changes: None

Establish Agritourism Buildings as a Permitted Use or a Conditional Use on the basis of Zoning District:

- Agritourism Buildings are a Permitted Use in the following zoning districts: AG-2, O-1, O-2, C-N, C-1, C-2, C-3, C-4, I-1, I-2, IPD, and PRD.
- Agritourism Buildings are a Conditional Use in the following zoning districts: AG-1, CO-1, R-1, R-1A, R-2, R-2A, R-3, R-4, and R-4A.

Add Section 250-210: Provisions for Agritourism Buildings that are permitted use:

The purpose of Agritourism Buildings is to allow the public to visit working farms or any agricultural, horticultural, or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation which allows means of earning supplemental income that can help preserve and sustain local farms.

Farm Tours (tourism conducted on a working farm or any other agricultural, horticultural or agribusiness operation where the working environment forms an agricultural product) are a permitted use in any zoning classification where agricultural uses are allowed.

Any agricultural structure that is altered from its original use to an assembly use group (as determined by the Kentucky Building Code) must obtain proper building, electrical and associated permits.

All Agritourism Buildings must follow the regulations outlined below:

1. Minimum lot size required shall be five (5) acres.

2. All structures shall be at least thirty (30) feet from all property lines.
3. Minimum parking requirements shall be one (1) 9'X18' parking space for each fifty (50) square feet of primary assembly area.
4. Shall be exempt from Section 280-150, Parking Lot Layout and Design, Item 2 Markings and Item 3 Surfacing and Maintenance.
5. Building Code Requirements:
 - A. The following are requirements under House Bill 360 that apply to agritourism and agritourism buildings in relation to the Kentucky Building Code:
 - i. Except as otherwise provided in this section, agritourism buildings defined in Item II shall comply with the Kentucky Building Code.
 - ii. An agritourism building, constructed prior to December 31, 2016, shall be exempt from the following requirements within the Kentucky Building Code:
 - a. An agritourism building built prior to December 31, 2016, shall not be required to comply with the seismic requirements within the Kentucky Building Code.
 - b. If an agritourism building has a capacity of four hundred (400) persons or less or is six thousand (6,000) square feet or less, an agritourism building built prior to December 31, 2016 shall not require the services of an architect licensed by the Commonwealth of Kentucky.
 - B. Occupant capacity is calculated as follows:
 - i. One (1) occupant per fifteen (15) square feet of primary assembly area with permanent seating (table and chairs).
 - ii. One (1) occupant per seven (7) square feet of open primary assembly area with no permanent seating (no table and chairs).
 - C. Fire Suppression Requirements:
 - i. Assembly Use Group A-2: building has provisions for cooking food (commercial kitchen).
 - a. Sprinklers required if fire area exceeds 5,000 square feet or the occupant capacity is 300 or more.
 - ii. Assembly Use Group A-3: building does not have provision for cooking food.
 - a. Sprinklers required if fire area exceed 12,000 square feet or occupant capacity is 300 or more.

Modify Section 260-035 to reflect changes to the Conditional Use Standards for Agritourism Buildings that are a conditional use.

- Any agricultural structure that is altered from its original use to an assembly use group (as determined by the Kentucky Building Code) must obtain proper building, electrical and associated permits.
- All Agritourism Buildings must follow the regulations outlined below:
- Standards

Questioning by the commission for this section of the ordinance changes: None

Modify Section 260-210: Conditional Use Standards for Golf Driving Ranges that are a Conditional Use.

- Fences, planting, or sufficient areas shall be provided to ~~insure~~ ensure the safety and protection of person on all adjacent land.
- There shall be no commercial uses other than those related to the sale or rental of golf equipment, golf instruction or food and beverage sales.
- All lighting shall comply with Division 310 Lighting Regulations. ~~be screened to shield any glare from public rights-of-way or adjacent properties.~~

Add Definitions for Golf Course, Golf Driving Range, & Miniature Golf to Division 420 Definitions.

- **Golf Course:** A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may also include a clubhouse, restrooms, and shelters as an accessory use. All driving ranges must receive a conditional use permit even if affiliated with a golf course.
- **Golf Driving range:** An area equipped with distance markers, clubs, balls and tees for practicing golf drives and putting.
- **Miniature Golf:** A theme-oriented recreational facility where a novelty version of golf is played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and include obstacles such as bridges and tunnels.

Questioning by the commission for this section of the ordinance changes:

Commissioner Marsh asked, can we add apparel to section 260-210, 2nd bullet point?

Director Urban replied, yes. We can add golf apparel after golf equipment.

Commissioner Marsh asked, can we remove the word "Driving" from the definition of Golf Driving Range and add "Practice" so it reads Golf Practice Range? Also remove the word "drive" in the definition.

Director Urban replied, yes.

Modify Section 270-050: School Capacity Standards.

- As part of the consideration to subdivide land for a major subdivision, available public school capacity shall be considered. School capacity inadequate to accommodate the number of students generated by a project or proposal may be considered grounds for denial of a subdivision plat as not being in compliance with these regulations and KRS 100.201(2).
- Phasing: Oldham County **School** Board of Education has adopted the Campus Capacity Worksheet which is a chart that uses the average of the school capacity averages the combined school capacity of the serving campus (campus being the

elementary, middle and high school serving the proposed development) and applies a multiplier to generate calculate the number of building permits dwelling units allowed per calendar year for the proposed development. Developments that include open space or mixed uses (non-residential and/or non-student generating uses) shall receive additional dwelling units per year based on a multiplier approved by the Oldham County Board of Education and accepted by the Commission. No development shall be granted more than 125 units per calendar year.

The form and method of arriving at the figures, data, or other information relating to the Campus Capacity Worksheet shall be annually reviewed for accuracy and relevancy at a Planning Commission meeting by the end of each calendar year. As part of this review, the Commission may request from the Oldham County Board of Education its raw data and formula used to determine the multiplier. The Commission through its staff may review this information to determine its accuracy, fairness, and comprehensiveness as well as review for other pertinent factors.

- The number of dwelling units allowed are cumulative on an annual basis per calendar year and begin at time of Record Plat recording.
- The allowable number of dwelling units will not be reduced as established by the binding element.
- The applicant can petition the Planning Commission for revision of the binding element if additional capacity becomes available.

For multi-family attached developments (greater than two (2) family buildings) the number of dwelling units allowed annually is set out in the chart below. The number of dwelling units allowed are cumulative on an annual basis and begin at time of Construction Plan Approval.

<u>Number of Dwelling Units</u>	<u>Phasing in Years</u>	<u>Maximum Dwelling Units Per Year</u>
<u>1-75</u>	<u>1 year</u>	<u>75</u>
<u>76-150</u>	<u>2 years</u>	<u>75</u>
<u>151-225</u>	<u>3 years</u>	<u>75</u>
<u>226-300</u>	<u>4 years</u>	<u>75</u>
<u>301+</u>	<u>5 years</u>	<u>Agreed upon amount by Board of Education & Approved by the Planning Commission (not</u>

	<u>less than 75 units per year)</u>
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Questioning by the commission for this section of the ordinance changes:

Commissioner Jones asked to strike out the word "to" in the 1st bullet point.

Director Urban replied, Ok.

Commissioner Marsh asked, can you explain bullet point 3, "applicant can petition the Planning Commission for revision of the binding element if additional capacity becomes available."

Director Urban explained, if the board of education decides to build a new school, and if it affects the number of units that was approved for a particular development and there is now more capacity, they can apply to get more units.

Add Division 335 Solar Energy Systems.

Division 335 Solar Energy Systems

Section 335-010 Purpose and Intent

The purpose of this section is to facilitate the siting, development, construction, installation, and decommissioning of solar energy systems (SESs) in Oldham County in a predictable manner that promotes and protects the safety, health, and welfare of the community. The requirements outlined in this section are intended to be supplemental to any safety, health, or environmental requirements of federal, state, or local laws, and regulations.

Section 335-020 Applicability

1. This section applies to the siting, construction, installation, and decommissioning of any new SES within the jurisdiction of Oldham County. An SES in operation prior to adoption of this section, shall be considered to have legal nonconforming status in accordance with KRS 100.253.
2. The following are not subject to the regulations:
 - a. Modification to an existing SES that alone or in combination increases the total SES footprint by no more than 5% of the original footprint.
 - b. Routine maintenance and repair, including replacement of solar panels, not increasing the SES footprint.
3. Any Exempt SES shall provide the Planning Commission with information concerning service facilities which have been located on and relocated on private property in accordance with KRS 100.324(3).
4. An SES shall comply with all applicable federal, state, and local laws, regulations, and

permitting and other requirements, and applicable building, fire, electrical, and plumbing codes.

Section 335-030 Definitions

1. Exempt Solar Energy System (Exempt SES): SES that is a facility of a municipally owned electric system or public utility regulated by the Kentucky Public Service Commission or Federal Energy Regulatory Commission, which is exempt from planning and zoning requirements under KRS 100.324.
2. Farmland of Statewide Importance: a map unit identified by the Natural Resources Conservation Service as including soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods.
3. Footprint: Calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the equipment to function, such as transformers and inverters. The footprint does not include perimeter fencing or visual buffers, nor transmission lines or portions thereof that are required to connect the SES to a utility or customer outside the SES perimeter.
4. Ground Mounted Solar Energy System: SES that is structurally mounted to the ground and does not qualify as an Integrated SES.
5. Integrated Solar Energy System: an SES where the solar materials are incorporated into the building materials, such that the building and solar system are reasonably indistinguishable, or where the solar materials are used in place of traditional building components, such that the SES is structurally an integral part of the house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building façade, skylight, shingles, canopy, light, or parking meter.
6. Intermediate Scale Ground Mounted Energy System (Intermediate Scale SES): Ground Mounted SES with a Footprint of between 2,501 square feet and ten (10) acres.
7. Large Scale Ground Mounted Solar Energy System (Large Scale SES): Ground Mounted SES with a Footprint of more than ten (10) acres.
8. Prime Farmland: a map unit identified by the Natural Resources Conservation Service of the United States Department of Agriculture as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses.
9. Rooftop Solar Energy System: SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
10. Small Scale Ground Mounted Energy System (Small Scale SES): Ground Mounted SES with a Footprint of less than 2,500 square feet.

11. Siting Board Regulated SES: a SES that constitutes a “merchant electric siting facility” under KRS 278.700(2), the construction and siting of which is subject to review and approval of the Kentucky State Board on Electric Generation and Transmission Siting. A merchant electric siting facility is an electricity generating facility or facilities that, together with all associated structures and facilities are capable of operating at an aggregate capacity of ten megawatts (10 MW) or more and sell the electricity produced in the wholesale market, at rates and charges not regulated by the Kentucky Public Service Commission.
12. Solar Energy System (SES): a device, including its components and subsystems, that collects solar energy for electricity generation, consumption, or transmission, or for thermal applications.

Section 335-040 Allowed Uses and Required Approvals

P: The SES is a use that is allowed in the district without the necessity of obtaining planning commission approval, provided that the applicable requirements below are met. A variance from any of the standards applicable to a SES may be obtained through the Board of Adjustments.

PCA: Planning Commission Approval required. The SES is allowed in the district subject to the requirements set forth below and only if the applicant first obtains approval by the Planning Commission. A variance from any of the standards applicable to a SES may be obtained through the Planning Commission.

Accessory Use				
Type	Residential	Commercial	Industrial	Agricultural
<i>Integrated SES</i>	P	P	P	P
<i>Rooftop SES</i>	P	P	P	P
<i>Ground Mounted SES Small Scale*</i>	P	P	P	P
<i>Ground Mounted SES Intermediate Scale</i>	PCA	PCA	PCA	PCA
<i>Ground Mounted SES Large Scale</i>	PCA	PCA	PCA	PCA

*A Small-Scale Ground Mounted SES qualifies as an accessory use only if its area is less than 50% of the footprint of the primary structure and observes the setbacks of the zoning district in which it is located.

Primary Use				
Type	Residential	Commercial	Industrial	Agricultural
<i>Ground Mounted SES Small Scale</i>	N/A	N/A	P	P

<i>Ground Mounted SES Intermediate Scale</i>	PCA	PCA	PCA	PCA
<i>Ground Mounted SES Large Scale</i>	PCA	PCA	PCA	PCA

Section 335-050 General Requirements Applicable to Integrated and Rooftop Solar Energy Systems

1. **Solar Access:** Consistent with KRS 381.200(2), a property owner may obtain a solar easement from another property owner for the purpose of ensuring adequate exposure to sunlight for an Integrated or Rooftop SES. Such easement shall be recorded.
2. **Tree Removal:** The removal of trees or natural vegetation for an Integrated or Rooftop SES shall be limited to the extent practicable and shall comply with all the applicable local, state or federal requirements.
3. **Height Restrictions:** A rooftop SES shall conform to any height restrictions for roof-mounted mechanical devices or equipment for the applicable zoning district and may exceed the maximum permitted height for the structure type by no more than five (5) feet. A rooftop SES shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave, provided that where it is mounted on a sloped roof, the SES shall not vertically exceed the highest point of the roof to which it is attached by more than five (5) feet.
4. **Lighting:** Integrated and Rooftop SESs shall not be illuminated and shall be designed and installed to prevent off-site glare.
5. **Historic Preservation:** Where an integrated or rooftop SES is proposed to be installed on a property located within a historic district the proposed installation shall be coordinated with the historic district prior to applying for a permit.

Section 335-055 General Requirements Applicable to Residential Ground Mounted SESs

This section is applicable to any tract of land that is part of a platted residential subdivision:

1. **Maximum Square Footage:** SES area shall be less than 50% of the footprint of the primary structure.
2. **Solar Access:** Consistent with KRS 381.200(2), a property owner may obtain a solar easement from another property owner for the purpose of ensuring adequate exposure to sunlight for a Ground Mounted SES. Such easement shall be recorded.
3. **Tree Removal:** The removal of trees or natural vegetation shall be limited to the extent practicable and shall comply with all the applicable local, state or federal requirements.
4. **Lighting:** Residential Ground Mounted SESs shall be limited to typical, low-voltage residential landscape lighting and shall not trespass onto adjoining properties.

5. Height Requirements: Ground Mounted SESs shall not exceed twenty (20) feet in height as measured from the highest natural grade below each solar panel. The height restriction includes any storage batteries, antennas or other structures constructed for the project. Any height variance must be approved by the Board of Adjustments.
6. Location: Residential Small-Scale Ground Mounted SESs shall be located in the rear or side yards.
7. Setbacks: Residential Small-Scale Ground Mounted SES shall observe the setbacks of the zoning district in which it is located. Setback shall be measured from the closer of the outer edge of the nearest panel.
8. Decommissioning: All structures and facilities associated with the SES shall be removed within six (6) months of the beginning of decommissioning. All materials shall be recycled or otherwise reused to the extent reasonably practicable, and the disturbed areas shall be reclaimed, revegetated, and restored consistent with the zoning classification of the property.

Section 335-060 General Requirements Applicable to Non-Residential Ground Mounted SESs (Includes Intermediate and Large Scale SESs)

1. Solar Access: Consistent with KRS 381.200(2), a property owner may obtain a solar easement from another property owner for the purpose of ensuring adequate exposure to sunlight for a Ground Mounted SES. Such easement shall be recorded.
2. Tree Removal: The removal of trees or natural vegetation for Non-Residential Ground Mounted SESs shall comply with all the applicable local, state or federal requirements.
3. Lighting: Shall be limited to the minimum necessary for safe operation, and shall be directed downward, incorporate full cut-off features, and incorporate motion sensors where feasible. Lighting shall be designed to avoid light trespass. Nothing in this regulation is intended to preclude installation of lighting required by the Federal Aviation Administration.
4. Height Requirements: Shall not exceed twenty (20) feet in height as measured from the highest natural grade below each solar panel. The height restriction excludes utility poles, storage batteries, substation structures, and antennas constructed for the project. Any height variance must be approved by the Planning Commission.
5. Setbacks: Non-Residential, Intermediate or Large-Scale Ground Mounted SESs shall have the following setbacks from the property line for front, rear and side yards measured from the closer of the outer edge of the nearest panel or perimeter fencing:

Zoning or Use	Required Setback (feet)
Residential*	50 Feet
Agricultural	50 Feet

Non-Residential	30 Feet
Public Road Right-of-Way	50 Feet from Centerline

*Setback to a residence, other than that on which the Ground Mounted SES is to be installed, shall be 100 feet.

- a. Setbacks are not required where the property line is shared by two or more participating landowners.
- b. Setback variances can be requested to the Planning Commission.

6. Screening. Non-Residential, Intermediate or Large-Scale Ground Mounted SESs shall be effectively screened and existing buffers along an SES perimeter shall be preserved when reasonably practicable.

- a. Ground Mounted SESs approved by the Commission shall have or install a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that will provide an effective visual and lighting screen between the SES and adjoining properties.

Land Use	Minimum Width of LBA	Minimum Screen Height	Minimum Number of Trees
Adjacent to Residential, Agricultural or Conservation	50 feet	7 foot high continuous screen	1 large tree per 40 linear feet
Adjacent to Commercial or Office or other Non-Residential Use	30 feet	5 foot high continuous screen	1 large or medium tree per 50 linear feet

7. Protection of Farmland and Revegetation of Disturbed Areas:

- a. Compaction of soil associated with the location of roads and installation staging areas for Intermediate and Large-Scale Ground Mounted SES on land zoned for agricultural use shall be minimized to the extent possible. Compaction of soil associated with the location of roads and installation staging areas for all Ground Mounted SES on land zoned for agricultural use that are classified either as prime farmland or farmland of statewide importance shall be avoided to the extent possible, and the soils shall be de-compacted as part of the decommissioning process.
- b. Upon completion of construction and installation of the Intermediate and Large-Scale Ground Mounted SES, all temporary roads constructed by the applicant shall be removed, and all disturbed areas shall be graded and reseeded with

native vegetation in order to establish an effective ground cover and to minimize erosion and sedimentation.

8. Signage: A Ground Mounted SES may include such signage as is required by law to provide safety information, and other signage as may be allowed under Division 290.
9. Decommissioning. Other than as specifically approved by the Planning Commission decommissioning shall begin no later than twelve (12) months after a Ground Mounted SES has ceased to generate electricity or thermal energy:
 - a. If the Ground Mounted SES was a permitted use and did not require Planning Commission approval, all structures and facilities associated with the SES shall be removed within six (6) months of the beginning of decommissioning. All materials shall be recycled or otherwise reused to the extent reasonably practicable, and the disturbed areas shall be reclaimed, revegetated, and restored consistent with the zoning classification of the property.
 - b. If the Ground Mounted SES was approved by the Planning Commission, the SES shall be decommissioned according to the decommissioning plan approved at the Planning Commission public hearing.

Section 335-070 Solar Energy Permit Application Requirements

1. An SES for residential or non-residential purposes that does not require Planning Commission approval shall require a building permit and electrical permit. Required permit information shall be listed on the application.
2. An SES requiring approval by the Planning Commission shall include the following information:
 1. Name, address, telephone number, and email address (if available) of the applicant, the project owner, and the project operator.
 2. The address of the property on which the SES will be located and the property owner's name, address, telephone number, and email address if available.
 3. Copy of current deed or lease agreement.
 4. A topographic map that depicts vegetative cover, watersheds, floodplains, and other geographic information about the property and surrounding area.
 5. A description of the project, including the maximum number of modules, mounting type (fixed-tilt or tracking), system height, system capacity, total land area covered by the system, and information about all associated structures or facilities such as transformers, substations, feeder lines, and battery storage.
 6. A site plan including property lines, zoning classification and uses of the property and all adjacent properties, existing buildings and proposed structures, the proposed location of the solar equipment, transmission lines, any associated structures and facilities, and substations. The conceptual site plan shall also identify existing and proposed temporary or permanent roads, drives, and parking, fencing or other methods to ensure public safety.

7. A landscape plan demonstrating how proposed visual buffers will effectively screen the proposed SES from adjacent properties zoned for residential use.
8. A map from the Natural Resources Conservation Service identifying prime farmland and farmland of statewide importance (if in a district zoned as agricultural), documentation from the U.S. Fish and Wildlife Service regarding the presence any identified critical habitat for rare or endangered federal or state species. The application shall also contain a Federal Emergency Management Agency map delineating floodplain, shall include evidence of any water quality or stormwater permit needed for the project,⁹ and shall contain a letter from the State Historic Preservation Office regarding known archaeological or cultural resources listed or eligible for listing on the National Register.
9. Information demonstrating that approval of the SES will not result in any disproportionate individual or cumulative environmental burden on low-income communities or communities of color.
10. A decommissioning plan prepared by a registered professional engineer, and updated every seven (7) years, containing the following:
 - (a) The anticipated life of the project and defined conditions upon which decommissioning will be initiated;
 - (b) The estimated decommissioning cost, including removal of the SES and related foundations, pads, underground collector lines and roads, and the salvage value of any equipment in current dollars and the calculations supporting the decommissioning estimate. The estimated salvage value of the material using current, publicly available material indices and/or firm quotes from a decommissioning or recycling company experienced in the decommissioning of SES, shall be provided. The Planning Commission shall consider the salvage value identified in computing the amount, if any, of financial assurance required under subsection e.
 - (c) The manner in which the project will be decommissioned, including provision and a timetable for the removal of all structures and foundations, and for the revegetation and restoration of the property to its original condition or a condition compatible with the zoning of the parcel(s);
 - (d) The party responsible for decommissioning;
 - (e) A performance bond, letter of credit, or other security acceptable to the Commission, payable to Oldham County Fiscal Court, sufficient to cover the net costs identified in subsection 10b and to assure that decommissioning of the site can be achieved by a third party in the event that a permittee defaults in that obligation, which financial assurance shall be provided prior to commencement of construction;
 - (f) A copy of any lease containing specific agreements regarding decommissioning with the landowner.
11. Proof of adequate casualty and liability insurance covering installation and operation of the SES.
12. A description of the measures that will be taken to minimize erosion and sedimentation, and to promptly stabilize and revegetate disturbed areas with native vegetation.
13. Where the applicant for a Solar Energy System Permit is also seeking a construction certification pursuant to KRS 278.700 – 278.716, the applicant may submit a copy of

a complete state siting board application and site assessment report meeting the requirements of KRS 278.706 and 278.7008 in lieu of the above requirements of Section 335-070 (2)1-8.

3. A Solar Energy System permit granted by the Planning Commission shall include, at a minimum, all applicable requirements of Items 6 and 7 of this section , and any additional conditions deemed by the Commission necessary or appropriate pursuant to KRS 100.237 to allow the proper integration of the proposed SES into the zone and location in which it is proposed.

Section 335-080 Public Notice and Public Comment

1. A statement that every person who, according to the records of the Property Valuation Administrator, owns property within five hundred (500) feet of the proposed SES or property contiguous to the site upon the SES is proposed to be constructed, has been:
 - a. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction;
 - b. Given the telephone number and address of the local planning commission; and
 - c. Informed of his or her right to participate in the Commission's proceedings on the application;
2. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners;
3. A statement that the Chief Executive Officer of the affected local governments and their legislative bodies have been notified, in writing, of the proposed construction;
4. A copy of the notice sent to the Chief Executive Officer of the affected local governments and their legislative bodies;
5. A statement that:
 - a. A written notice, of durable material at least two feet by four feet in size, stating the "[Name of Applicant] proposed to construct a solar energy system on this site" and including the address and telephone numbers of the applicant and the Commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application, and
 - b. A written notice, at least two feet by four feet in size, stating that "[Name of Applicant] proposes to construct a solar energy system near this site" and including the address and telephone numbers of the applicant and the Commission, has been posted on the public road nearest the site;
6. A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.

Questioning by the commission for this section of the ordinance changes: None

Director Urban summarized the changes.

Motion made by Commissioner Hampton and seconded by Commissioner Finney to approve the recommendations of the Zoning Text Amendments to the legislative bodies. Motion carried by unanimous voice vote.

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Other Business

Senior Planner Fischer informed the board that a Study Review Committee Meeting is scheduled for April 27, 2023 at 5:00 p.m.

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There being no further business, the Planning Commission meeting adjourned at 11:40 am.

The next regular meeting will be Tuesday, April 25, 2023, at 9:00 a.m. and will be held in the Oldham County Fiscal Court courtroom at 100 W Jefferson Street, La Grange, 40031.

Approved:

Respectfully Submitted:


Greg King, Chairman


Christy Edgar, Secretary