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June 10, 2016

Re: ZOTA 2014-4 & SRA 2014-1: Recreation and Tourism Uses

Dear Vice-Mayor Kay and Council Members:

Please accept this letter on behalf of the Fayette Alliance in reference to ZOTA 2014-4 & SRA 2014-1: Recreation and Tourism Uses ("Recreation ZOTA"). Founded in 2006, Fayette Alliance is a coalition of citizens dedicated to achieving sustainable growth in Lexington-Fayette County through land use advocacy, education, and promotion. Working together, we can ensure that Lexington-Fayette County becomes the model for sustainable growth, by connecting and balancing our vibrant city with our unique and productive Bluegrass farmland.

The Recreation ZOTA recommendations are the result of an exhaustive planning process, which began in February of 2012, and included over twenty meetings of a diverse, fifteen-member stakeholder Work Group, extensive planning staff resources, and Planning Commission review. The recommendations that emerged from the Planning Commission on June 25, 2015, dramatically expand recreation and tourism opportunities in Fayette County—virtually every zoning category contains amendments focused on achieving this goal.¹

Importantly, the Work Group took pains not to change the intent of any zone—that was not their charge. Rather, they sought to include new uses that were consistent with each respective zone. As part of this painstaking process, the Work Group analyzed the potential direct and indirect impacts of each new use in each zone, as well as the possible unintended consequences of any recommendations they made. New uses should not be included that conflict with the stated intent of any zone.

¹ The three goals adopted by the Work Group to guide its overarching effort of expanding recreation and tourism opportunities were as follows:

- 1 Showcase Lexington-Fayette County as the Horse Capital of the World by preserving and promoting its unique agricultural industries, environment, cultural landscape and historic resources;
- 2 Encourage agritourism opportunities that are incidental to the primary agricultural use for signature Fayette County farmland; and
- 3 Explore recreational and tourism opportunities that support the quality of life, infrastructure, and environment of urban, neighborhood, and rural areas.

Fayette Alliance supports the general intent underlying the Recreation ZOTA—that is, expanded recreational opportunities and tourism in Fayette County. Fayette Alliance also supports the vast majority of the Planning Commission’s recommendations, as they appropriately balance the needs of agriculture and natural resource preservation with new public access and recreation opportunities. A key component of Fayette Alliance’s mission is to “connect” our urban and rural areas using sustainable growth policies—and the Recreation ZOTA largely accomplishes this goal.

However, amendments allowing recreation and tourism uses in our rural zones must strike a delicate balance between advancing agriculture and environmental stewardship, and allowing the public to experience and enjoy our signature environmental assets and landscape. Failure to strike the right balance could threaten the very landscape visitors and locals wish to experience. Thus, protecting the agricultural intent of our rural zones and preserving our unique natural resources are essential to achieving the purposes of the Recreation ZOTA. If accomplished, we will improve Lexington-Fayette County’s economic, environmental, and cultural currency for locals and tourists alike.

Pursuant to achieving this policy goal, Fayette Alliance conditionally supports the Recreation ZOTA provided that:

- 1. Certain uses included as principal uses in the A-N Zone by the Planning Commission are included as conditional uses only; and**
- 2. No additional uses from those adopted by the Planning Commission are added to the rural zones.**

As discussed more fully below, the proposed Recreation ZOTA includes many other additional uses in the rural zones, and Fayette Alliance does not object to inclusion of these uses as recommended by the Planning Commission. However, Fayette Alliance would object to any additional uses, conditional or otherwise, being included in any of the rural zones.

Fayette Alliance also recommends exploring new non-commercial recreation and ecotourism programs on our 2,800 acres of rural parkland in Fayette County. These lands could accommodate a community need without setting disruptive land use precedents in our Zoning Ordinance.

A. Commercial hiking and bicycling trails; equine trails; tree canopy tours; canoeing and kayaking launch sites; nature preserves; and educational classes should be included only as conditional uses in the A-N zone.

Despite the recommendation of the Work Group and the planning staff, the Planning Commission recommended that “commercial hiking and bicycling trails; equine trails; tree canopy tours; canoeing and kayaking launch sites; and nature preserves” be

included in the A-N zone as principal uses of right.² Allowing these uses as principal uses undermines the policy of providing protections for these areas and conflicts with the stated intent of this zone.

The Zoning Ordinance defines the intent of this zone as follows:

This zone is established to preserve areas within the Rural Service Area that are physically unique, primarily due to their association with the Kentucky River and its tributaries. This area is characterized by steeper slopes, forested areas, and thinner/poorer soils and is known as a habitat for rare and unusual flora and fauna. Because these lands are sensitive, special care is needed to ensure that the uses that are permitted are compatible with the goal of conservation and preservation of these lands.

(Emphasis added).³ The Ordinance, 2013 Comprehensive Plan, and Rural Service Area Land Management Plan seek to encourage public access and recreation in the A-N zone, while conserving and protecting the natural resources and environmentally sensitive land in the zone.⁴ This balanced land-use policy provides the context in which the Recreation ZOTA must be viewed.

During the long, arduous process of drafting the Recreation ZOTA, there was little to no discussion of allowing the cited uses as principal uses—indeed, allowing these uses as principal uses directly conflicts with the stated intent of the A-N zone and fails to strike the necessary balance between public access and environmental stewardship. The Work Group and planning staff properly recommended that these types of uses be conditional in order to provide the “special care” required by the Ordinance “to ensure that the uses that are permitted are compatible with the goal and preservation of these lands.”⁵

Categorizing these uses as conditional upholds the intent of the zone and recognizes that certain uses should be studied to determine if they are appropriate. Every zone has conditional uses, and certain uses are always treated as conditional (e.g., fraternity/sorority houses). The conditional use concept is an acknowledgment that the

² Additionally, “[e]ducational classes related to agricultural products or skills” was included by the Planning Commission as a principal use in the A-N zone. These types of educational classes were recommended by the Planning Commission as a conditional use in the A-R and A-B zones. We believe educational classes should also be included as conditional uses in the A-N zone.

³ LFUCG Zoning Ordinance, § 8-3(a).

⁴ See 2013 Comprehensive Plan, “Creating Jobs and Prosperity,” pg. 65; 1999 Rural Service Area Land Management Plan, “Rural Land Categories,” pgs. 111-9, IV-4.

⁵ It is worth noting that declaring a use to be “conditional” is not a punishment, nor should it be viewed negatively. It is simply a recognition that certain uses in certain areas could “impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.” KRS 100.111(6).

potential impact of a use on a property and its surrounding area (whether it be traffic, noise, or other impact) must be evaluated before being permitted.

Including these uses as conditional uses strikes the proper balance between public access and natural resource preservation thereby meeting the goals of the Recreation ZOTA, and the policies contained in the Ordinance, 2013 Comprehensive Plan, and Rural Service Area Land Management Plan.

When the ZOTA was before the Planning Commission, Fayette Alliance supported the recommendation of the Work Group and planning staff that these uses should only be included in the A-N zone as conditional uses. We continue to support this position and respectfully request that this sole modification be made to the text recommended by the Planning Commission.

B. No additional uses from those adopted by the Planning Commission should be included in the rural zones.

The Planning Commission approved additional uses in all of the zoning categories, including all the rural zones. The following uses were added in the A-R, A-B, and A-N⁶ zones:

- Principal uses: Equine-related activities.
- Accessory uses: Farm tours; hayrides; petting zoos; roadside stands offering value-added product product sales; non-commercial bicycling and hiking trails.
- Conditional uses: Agritourism activities to include corn mazes; farm gift shops; educational classes related to agricultural products or skills; horse shows involving more than seventy participants; and seasonal activities. Ecotourism activities to include equine trails; botanical gardens; and nature preserves. Youth camps.

In addition to all the above uses, the following conditional uses were added to the A-B zone: children's rides; commercial hiking and bicycling trails; zip line trails; tree canopy tours; and canoeing and kayaking launch sites.

These additional uses present significant opportunities for increased recreation and tourism in the rural areas. There are undoubtedly individuals who do not support adding some of these uses in the rural area. There are undoubtedly individuals who believe the recommendations do not go far enough and believe more uses should be allowed in the rural areas. However, the recommendations advance the stated goals of the Recreation ZOTA while balancing the important interests involved.

- Agritourism and ecotourism activities are encouraged in a way that will promote and preserve our agricultural and environmental landscape.
- Agritourism and ecotourism activities are included as conditional uses in order to provide reasonable oversight and regulation of these activities.
- The uses are tied to the agricultural intent of and principal use in the rural zones.

⁶ The principal uses added to the A-N zone were discussed above and will not be repeated here.

- The uses uphold rather than conflict with our longstanding land-use policies and the stated intent of the rural zones.

Without these policies in place, the finite resources and character of the Bluegrass would be compromised—forever altering and diminishing our rural landscape as an economic and cultural driver. Ironically, ignoring these long-held policies would undermine the very purpose of the Recreation ZOTA by potentially loving these sensitive rural areas “to death.”

The Recreation ZOTA introduces significant recreation and tourism opportunities in the rural areas in a fashion that advances agriculture, environmental stewardship, and public access. With the exception of the principal uses included in the A-N zone, the recommendations strike the proper balance. As such, Fayette Alliance requests that no additional uses from those adopted by the Planning Commission be included in the rural zones.

C. New non-commercial, recreation and ecotourism programs should be explored on existing rural parkland in Fayette County.

In order to best meet the needs and desires of our community for increased recreation and ecotourism opportunities, Fayette Alliance recommends exploring the feasibility of providing these uses on our 2,800 acres of rural parkland in Fayette County. These lands could accommodate a community need without setting disruptive land use precedents in our Zoning Ordinance.

D. Conclusion.

Fayette Alliance appreciates your consideration of our recommendations regarding the Recreation ZOTA. This significant legislative initiative seeks to introduce recreation and tourism activities in our rural areas in a way that advances agriculture, environmental stewardship, and public access. The long legislative history of the Recreation ZOTA speaks to the complexity of the task.

Two recent studies highlight the issues at stake if the proper balance is not achieved.

In addition to being stunningly beautiful, our rural areas support a \$2.4 billion dollar agricultural industry that provides one-in-nine jobs in Lexington-Fayette County.⁷ Moreover, in 2015, expenditures related to travel and tourism in Fayette County totaled over \$2 billion dollars, and 15,339 individual jobs in Fayette County were related to travel and tourism.⁸

Our land-use policies must continue to support our agricultural foundation and natural resource management as a means to further strengthen economic development,

⁷ University of Kentucky, College of Agriculture, “The Influence of the Agricultural Cluster on the Fayette County Economy,” January 2013.

⁸ Kentucky Tourism, Arts & Heritage Cabinet, “Economic Impact of Kentucky’s Travel and Tourism Industry--2014 and 2015.”

tourism, and recreational opportunities. Striking this balance will improve Lexington-Fayette County's economic, environmental, and cultural currency for locals and tourists alike. We literally cannot afford to do otherwise.

Protecting the agricultural intent of our rural zones and preserving our unique natural resources are essential to achieving this vision.

Much is at stake, and we respectfully request the following:

1. Modify the Recreation ZOTA recommended by the Planning Commission to include commercial hiking and bicycling trails; equine trails; tree canopy tours; canoeing and kayaking launch sites; nature preserves; and educational classes only as conditional uses in the A-N zone;
2. Do not include any additional uses than those adopted by the Planning Commission in the rural zones; and
3. Explore new non-commercial recreation and ecotourism programs on our 2,800 acres of rural parkland in Fayette County.

Thank you for consideration and dedication to innovative land use planning in Lexington-Fayette County.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan B. Speckert". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Susan B. Speckert, J.D.
Executive Director
Fayette Alliance