



**Fayette Alliance**  
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January 25<sup>th</sup>, 2013

LFUCG Board of Adjustment  
Government Center  
200 East Main Street  
Lexington, KY 40507

**Board Members**

Jimmy Bell  
Price Bell, Jr.  
Todd Clark  
Susan Enlow  
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Sam Razor  
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FCNC  
Fayette Co. Farm Bureau  
KY Horse Park  
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**Executive Director**

Knox van Nagell, J.D.

Dear Board of Adjustment members,

My name is Knox van Nagell, and I am writing this letter on behalf of Fayette Alliance.

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.

The Fayette Alliance believes that preserving our unique and productive Bluegrass farmland; advancing innovative development; and improving our infrastructure are essential to our collective success in Lexington.

Through our efforts at government and beyond, Lexington can become the model for sustainable growth, by connecting and balancing its vibrant city with its unique and productive Bluegrass farmland.

In furtherance of this mission, **Fayette Alliance strongly supports the Planning Staff's recommendation to REVOKE C-90-45, a conditional use permit for commercial composting at 4247 Georgetown Road.**

The subject property is owned and operated by Mr. Con Robinson, and consists of a 115-acre farm located on the west side of Georgetown Road—approximately ½ mile south of Iron Works Pike. The area approved for composting is limited to a 22-acre site at the center of the farm.

The farm itself is zoned Agricultural-Rural, and is classified as both a "Core Agricultural" and an "Environmentally Sensitive Area" by the Rural Land Management Plan due to its prime soils and close proximity to the Royal Springs Aquifer. It is adjacent to several active equine and agricultural operations, many of which are in the PDR program.

After a careful review of the case as articulated in the Staff Report and by neighbors, Mr. Robinson has been conducting illegal and





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destructive composting, quarrying, and recycling activities on his farm.

While Fayette Alliance is not against composting and mining operations per se—they must be operated in accordance with the requirements of the “Commercial Composting” and “Mining and Quarrying” provisions of Article 8 in the Zoning Ordinance. Here, the contrary is true, and C-90-45 represents an egregious example of land-use activities run amuck— jeopardizing our zoning laws and public welfare.

Under the guise of a “composting” permit, Mr. Robinson has been performing commercial quarrying and recycling activities for which there is no governmental approval, misrepresenting the nature of his business to LFUCG inspectors and neighbors, and substantially altering the contour of the land with no respect for its natural condition. This conduct expressly violates the requirements of our “Commercial Composting Ordinance” in Article 8-1(d) 6, and “Mining and Quarrying Ordinance” in Article 8-1(d) 15 of the Zoning Ordinance. Any applicable fines should be issued accordingly.

Beyond the significant legal implications of this case, environmental degradation, the de-valuation of area farms, and intolerable neighborhood nuisances have been the order of the day for more than a decade—and they must stop.

We urge you to not only revoke the permit, but also use your power to orchestrate a comprehensive, timely, and diligent environmental reclamation of the subject property. To allow such natural destruction to stand undermines our safety, quality of life, and status as the Horse Capital of the World and agricultural hub for the Bluegrass Region.

We want to commend the Planning staff for their steadfast dedication in identifying the land-use abuses involved in this particular case.

However, on a countywide scale, planning and zoning laws are only as good as their enforcement, and LFUCG should investigate what it must do to prevent similar cases from happening in the future.

Real time and effort should be spent on this initiative—as it has broad implications involving government operations, resource management and allocation, and the proper management of land use activities in our community.





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Strong planning and zoning practices are the hallmarks of Fayette County, and if upheld, will continue to protect our irreplaceable Bluegrass landscape and signature agricultural industries, while ushering in a new era of sustainable growth. Clearly, much will be gained from this approach, and much will be lost from endangering it.

Therefore, we respectfully request that you REVOKE C-90-45, a conditional use permit for commercial composting at 4247 Georgetown Road. In addition, please issue any fines related to the aforementioned ordinance violations; and ensure the reclamation and restoration of the environmental resources on the subject property. To do otherwise, hang the public health, safety, and welfare of our community in the balance.

Thank you for your consideration, and dedication to Lexington-Fayette County.

Sincerely,

**Knox van Nagell, J.D.**  
*Executive Director*  
*Fayette Alliance*

