

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Prospect Hill Motocross
2. Location of Project 6279 Petersburg Road, KY SR # 20, Petersburg, KY 41080
3. Total Acreage of Site 40.0
4. Current Zoning of Site A1
5. Proposed Zoning (Classification being requested) Recreation District
6. Proposed Uses (please specify each use) Motocross track (specialized amusement facility). Conditional Use 8. track for motocross motorbikes; 9. Retail sales associated with principal permitted use or conditional use; 10. Retail food, *
7. Names of Applicant(s) Brad Amann and Steve Amann
8. Address of Applicant(s) Brad Amann, 2669 Larch Ct., Covington, KY 41015
9. Name of Property Owner(s) Steven W. Amann and Mary Jo Amann
10. Address of Property Owner(s) 6279 Petersburg Rd., Petersburg, KY 41080 (Steve Amann)
11. Proposed Building Intensities (please specify) No additional buildings projected or planned.
12. Are there any existing buildings on the site? Yes
13. Deed Book 440 Page No. 105 Group No. 2011
14. Are you also applying for:
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- N/A Boone County Water District
N/A Florence Water and Sewer Dept.
N/A Cinergy/U.L.H.&P. Co.
N/A Sanitation District #1
N/A Cincinnati Bell
N/A Owen County Rural Electric
No Boone County Public Works Department
No Kentucky Transportation Cabinet
N/A City of Florence Public Services Department
N/A Boone County Building Department

* drinks, serves no alcohol.

EXHIBIT

“A”

STAFF REPORT

Request of **Brad Amann and Steve Amann (applicants)** for **Steven W. Amann and Mary Jo Amann (owners)** for a Zoning Map Amendment from Agriculture (A-1) to Recreation (R), and a Conditional Use Permit, for an approximate 40 acre lot located at 6279 Petersburg Road, Boone County, Kentucky. The request is for a zone change and a Conditional Use Permit to allow an off-road motorcycle track and associated retail sales, and retail food sales.

January 18, 2006

REQUEST

This application is for a zone change from Agriculture (A-1) to Recreation (R) and a Conditional Use Permit (CUP) to allow an off road motorcycle track and associated retail sales and retail food sales. The applicant is proposing to convert the approximate 40 acre farm located at 6279 Petersburg Road into an off road motorcycle track. The applicant has submitted a written Concept Development Plan which includes a proposed layout and has been attached to this Staff Report. This proposed outdoor recreation use also includes parking and concessions. Since there is no sanitary sewer in this part of Boone County, the applicant is proposing to contract with a company such as "Got-A-Go" to take care of this issue.

The applicant proposes that this use will be by membership only and racing will only occur 2 weekends per month from March 1 to November 30 (9 mos. @ 2 weekends/mo. = 18 racing weekends). Registration is from 7-9 a.m. The track would open at 9:00 a.m. and "close before dark." The applicant proposes to attract 150-200 riders as well as 100-150 spectators. The applicant is also proposing to open 1 to 2 weekday evenings (for practice only) from 4-9 p.m. attracting approximately 30-40 vehicles.

Known as Prospect Farm, the J.C. Jenkins House was built in 1861 for well known Petersburg resident Joseph C. Jenkins, who was a successful stock farmer and one-time owner of the Petersburg Distillery. Prospect Farm was listed in the National Register of Historic Places in 1989. The large barn located south of the house was contemporary to the house but later burned and was reconstructed in the 1890s. The barn is a contributing element of the National Register status of the property and the National Register boundary extends to the top of the ridge behind the barn. The National Register status of the property is based primarily on the architectural merits of the house, which is one of the finest Italianate structures in Northern Kentucky. It is also the only example of an Italian Villa in Boone County. In addition, Prospect Farm is listed in the National Register as an outstanding example of a successful 19th Century farm.

ADJACENT LAND USES AND ZONING

- North: Across Petersburg Road (KY 20) property owned by McGuire and Birkle zoned Agriculture (A-1) and Zembrodt, Robinson, Lucas, Prybal and Horton zoned Rural Suburban Estates (RSE)
- South and East: 237 acres owned by Smith zoned Agriculture (A-1).
- West: 108 acres owned by Vesper zoned Industrial Three (I-3).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Rural Lands" (RL) and "Developmentally Sensitive" (DS). These designations are defined as:

- RL: "Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."
- DS: "Areas that have an existing slope of twenty percent or greater for a height of 20 meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character."

The Land Use Element text makes the following statements that relate to the overall area (Petersburg Area, page 157):

"This section of Boone County is characterized by the town of Petersburg and the western-most portion of KY 20. Much of the land is Developmentally Sensitive, undeveloped, or in agricultural uses. Petersburg could potentially be a resource for heritage tourism in the county due to its history and river heritage."

"Development in the Petersburg area should protect the scenic characteristics of the hillsides and river plains."

The adopted Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).

- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- E. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- F. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- G. Extra-regional or interstate tourist oriented-commercial facilities shall be allowed in appropriate areas when the final mitigated impact is minimal on other land uses ("Recreation and Open Space," Objective 2).
- H. Historically and culturally significant sites and structures of Boone County that are part of recreational or education facilities shall be protected. Park areas that make use of existing historic structures or features shall be encouraged ("Recreation and Open Space," Objective 3).

STAFF CONCERNS

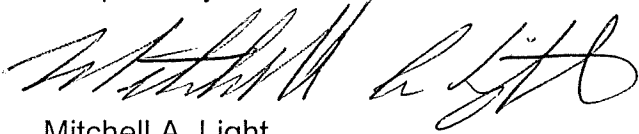
1. Staff is concerned about sight distance because the existing access on KY 20 is located close to the "hair-pin" turn coming east from Petersburg. Vehicles exiting the proposed establishment heading east will not be familiar with the amount of/and speed at which the traffic flows in this location and some will be towing trailers and occasionally motor homes/recreational vehicles. The applicant has stated that they wish to use the "new" access point for which the KTC granted an Encroachment Permit on June 3, 2004. A new Encroachment Permit Application will be required as this is considered a "change in entrance type" per the e-mail received from the KTC (see attached).

2. No mention has been made of overnight stays for the race weekends. Will participants be driving in on Saturday morning (or even Friday night) and staying through Sunday? Staff questions this because no mention has been made of this anywhere in the submitted material.
3. If approved, a major site plan will be required since all parking, vehicle circulation areas and driveways (including the access off KY 20) are required to be hard surfaced (concrete or asphalt). Storm water detention and buffering will also be addressed with the major site plan review.
4. The Land Use Element of the 2005 Boone County Comprehensive Plan for the Petersburg Area states that recreational uses should develop along the Ohio River and north of the town of Petersburg. This recommendation is largely intended to address future re-use of the sand and gravel pits.
5. Staff is concerned about the potential impacts to Prospect Farm by the proposed business. The structures and property have great significance to the Petersburg area as well as to Boone County. The J.C. Jenkins House will likely be affected only indirectly by noise and dust from the proposed business. The impact of the business on the barn could be more severe, as all traffic to the tracks will pass within a few feet of the barn. The rural agricultural setting, which is cited as an important element of the National Register listing, will also be negatively impacted by the business. In particular, a portion of one of the race tracks is located within the National Register boundary on the ridge behind the barn. While the current property owner has strived to preserve the structures, if this request is granted, future property owners who might only be concerned with motorcycle racing, may be less inclined to keep up the house and barn.
6. The applicant has attempted to address the issue of noise in the written portion of the Concept Development Plan. Staff has heard from adjoining property owners as well as property owners that do not adjoin this proposed use and they all have complained about the current noise level generated when the tracks are in use. The proposed use cannot realistically be buffered from adjoining land uses.
7. Staff is concerned that if approved with conditions such as limiting the hours, days and months of operation, the potential for enforcement of these types of conditions becomes almost impossible.
8. The applicant has requested a Conditional Use Permit (CUP) to allow an off-road motorcycle track and associated retail sales, and retail food sales. The Conditional Use Permit request needs to be evaluated against the criteria in Section 262 "General Standards Applicable to All Conditional Uses" and Section 713 "Conditional Uses and Criteria" (CUP criteria for the Recreation zone).

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the 2001-02 Boone County Zoning Regulations, the Conditional Use standards and criteria in sections 262 and 713 of the zoning regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

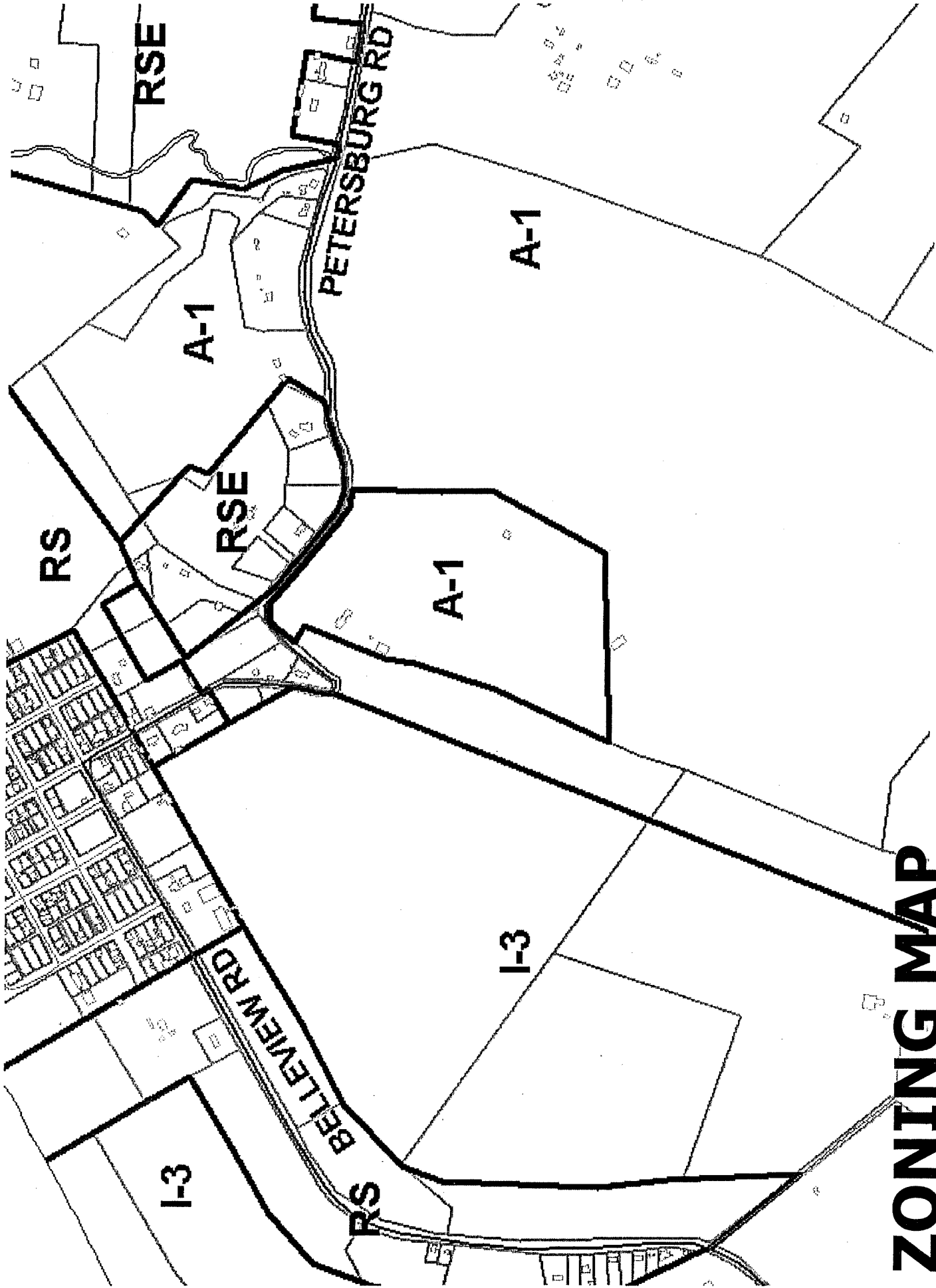
MAL\pr

attachments:

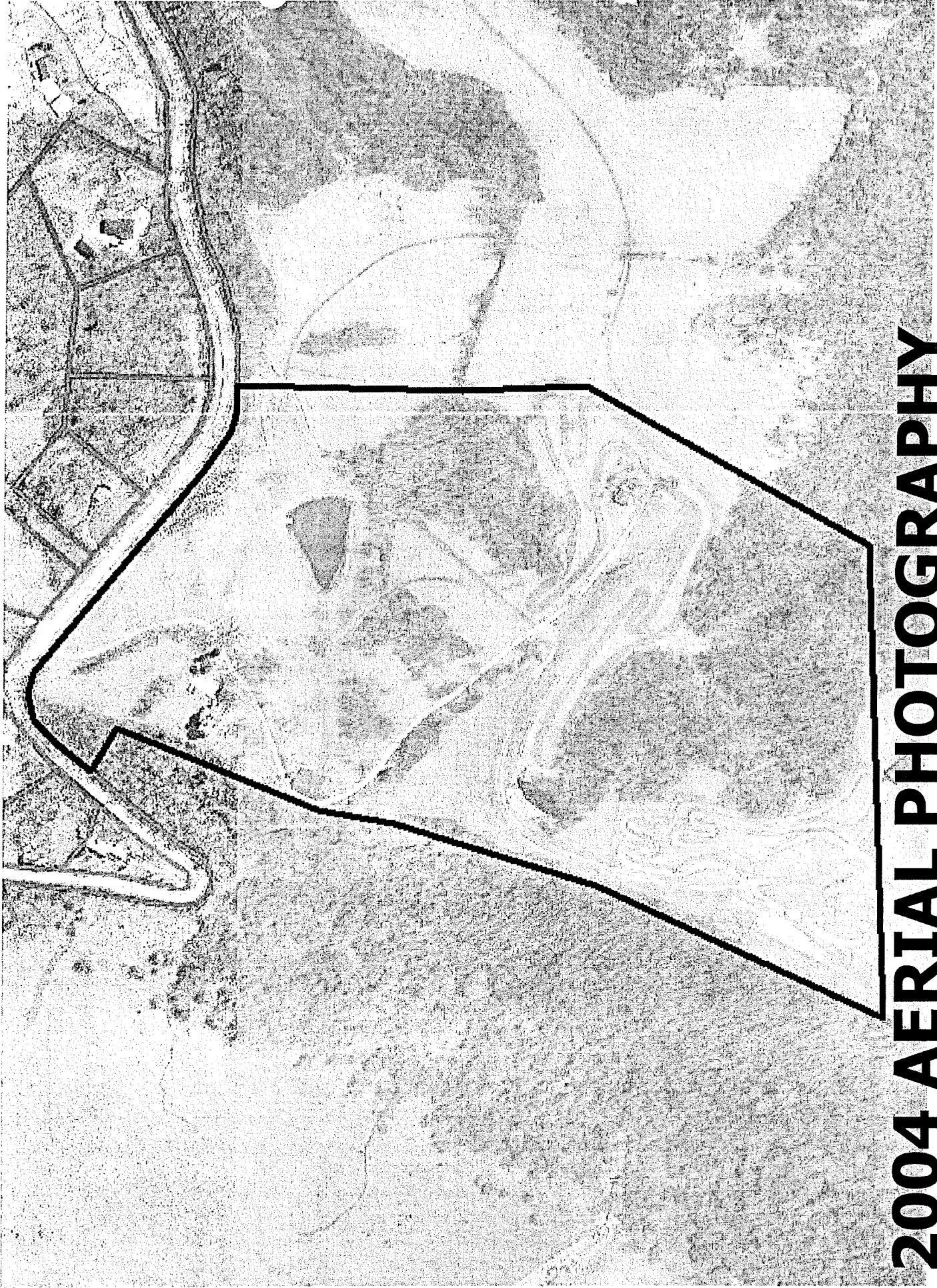
- Vicinity Map
- Zoning Map
- 2004 Aerial Photography
- 2030 Future Land Use Map
- Existing Topography
- e-mail from KY Transportation Cabinet to Staff
- Article 7 "Recreation District" of the Boone County Zoning Regulations
- Section 262 "General Standards Applicable to All Conditional Uses" of the Boone County Zoning Regulations
- Application including narrative and Concept Development Plan



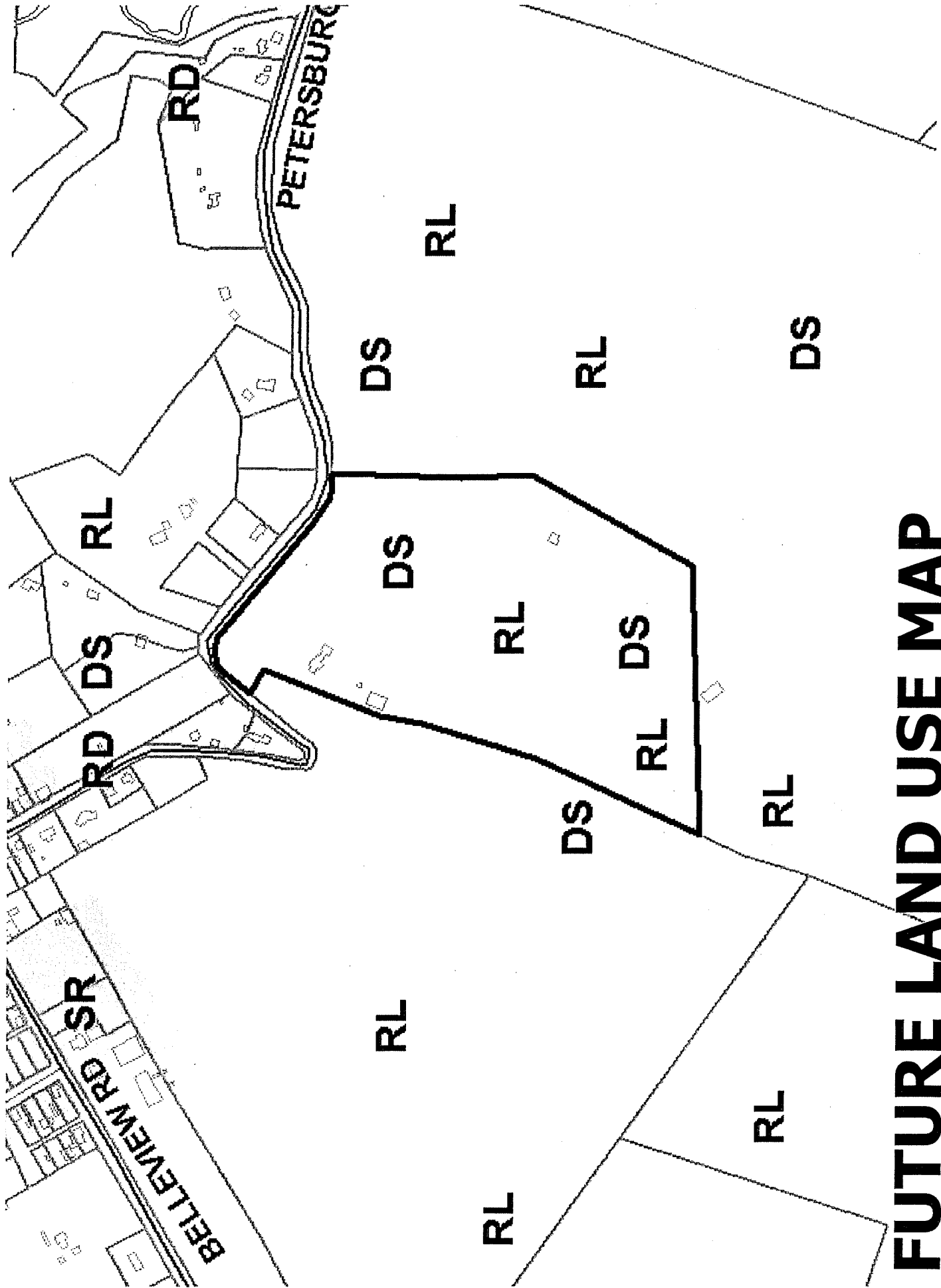
VICINITY MAP



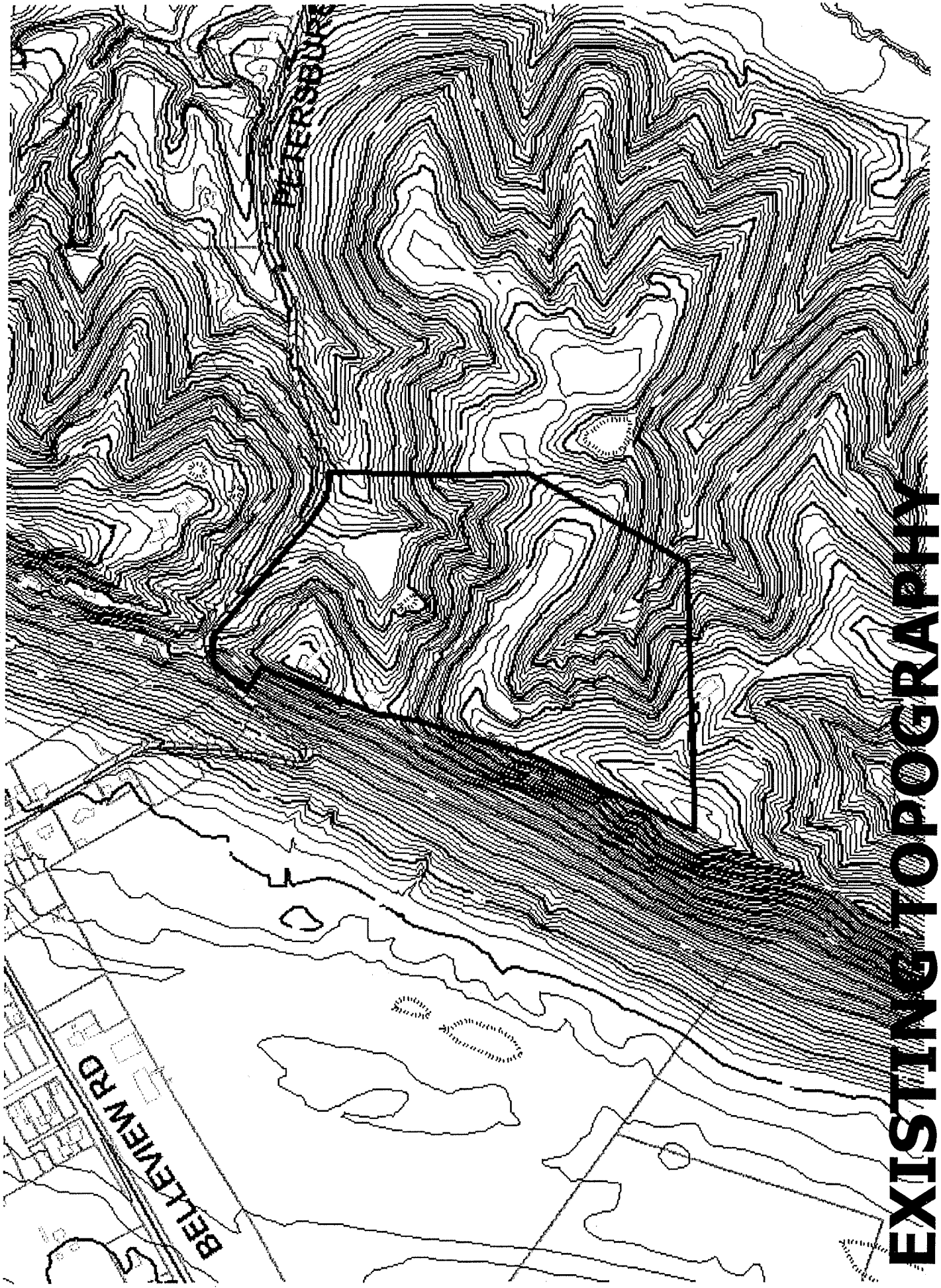
ZONING MAP



2004 AERIAL PHOTOGRAPHY



FUTURE LAND USE MAP



EXISTING TOPOGRAPHY

Mitch Light

From: Hans, Robert (KYTC-D06) [Robert.Hans@ky.gov]
Sent: Friday, January 06, 2006 4:45 PM
To: Mitch Light
Cc: Thompson, Ed (KYTC-D06); Madden, Bill F (KYTC-D06); Schomaker, Tom (KYTC-D06)
Subject: Requested Zone Change

Mitchell,

The Kentucky Department of Highways has no specific comments related to the proposed Zone Change and Conditional Use Permit for 6279 Petersburg Road, Boone County, Kentucky. As would always be the case, a permit would need to be obtained for ingress/egress into this property with a change in entrance type. No guarantee is made that all warrants will be met to approve such an entrance until a permit is submitted and reviewed.

Let me know if further information is needed.

Thanks,

Rob Hans, TEBM - Planning
KY Department of Highways, District Six
(859) 341-2707, ext. 256

ARTICLE

7

RECREATION DISTRICT

SECTION 700 RECREATION (R)

The purpose of the Recreation district is to identify, protect, and provide for the use of lands and structures for recreation activities. The purpose is further to ensure compatibility between the scale, extent, character, and location of these uses, surrounding development, local needs for recreation facilities, environmental suitabilities, and the limits of supporting infrastructure.

SECTION 711

Principally Permitted Uses

The following recreation uses are permitted:

1. Libraries, museums, art and craft galleries, conservatories and other cultural exhibits;
2. Planetaria, aquariums, botanical gardens and arboretums, zoos, nature preserves, wildlife habitats and other natural exhibitions;
3. Historic sites and structures, and other monuments and exhibits available for public viewing;
4. Amphitheaters, indoor motion picture theaters, playhouses and other entertainment assemblies;
5. Auditoriums, exhibition halls and other places of public or general assembly;
6. Churches, synagogues, temples and other places of religious assembly for worship;
7. Fairgrounds, miniature golf, arcades, golf driving ranges, batting cages, go-cart tracks and other specialized amusement facilities;
8. Golf courses, tennis courts, ice skating, roller skating, riding stables, bowling, skiing and tobogganing and other sports activities;
9. Play lots or tot lots, playgrounds, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;

10. Swimming beaches and swimming pools;
11. Yachting, boat rentals, boat access sites and other marina activities;
12. Camping, picnicking, hiking areas, trails and other passive recreational uses;
13. Dude ranches, youth camps, retreat centers, and health resorts of a non-medical/non-clinical nature, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts;
14. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
15. Recreational vehicle and trailer camps provided such living arrangements are of transient or seasonal use and such facility meets the requirements of K.R.S. Section 219.310 through Section 219.410. Permits as required under K.R.S. 219.310 through 219.410 shall be included with an application for Site Plan Review;
16. Bed and Breakfast Inns.

SECTION 712

Accessory Uses

Such uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Dwelling units (subject to SR-2 zoning district standards) of the family of the owner-operator and/or resident manager including:
 - a. private garages and parking;
 - b. structures such as fences and walls;
 - c. buildings such as storage sheds, private greenhouses and gazebos;
 - d. storage of a recreational vehicle or unit;
 - e. private swimming pools, saunas, bathhouses and similar accessories;
 - f. Private recreational courts, complexes, or similar recreational activities;
 - g. private stables or other keeping and use of pets and animals;
2. signage (see Article 34);
3. Parking (see Article 33);
4. Temporary buildings incidental to construction;

5. Dwellings or rooming houses for persons employed on the premises on a permanent or seasonal basis to operate, maintain, administer or protect the leisure activity;
6. Country clubs, clubhouses, lodges and similar places of assembly or entertainment;
7. Boarding stables, boat moorage and storage, other vehicle, equipment and personal storage services or lockers and related services;
8. Utility generation, production, storage, treatment and disposal;
9. First aid stations;
10. Day care centers or nursery schools.

SECTION 713

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is of integral relation to and directly in support of the recreation activity, or b) the use, building or structure is subservient to and not of scale, nature advertisement, trade or other character which will compete, detract or conflict with the principal purpose of the district; c) the activity is necessary to serve the specified public or membership engaged in the principal purpose so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district or immediate environs surrounding; and d) provided the arrangement of use, building or structure is mutually compatible with the organization or permitted and accessory uses to be protected in the district:

1. Any principally permitted uses of Agriculture (A-1) numbered 1-10;
2. Appropriate protective functions and related services like police and fire;
3. Water parks;
4. Amusement parks;
5. Special training and schooling activities, including target shooting ranges;
6. Cemeteries including mausoleums;
7. Drive-in theaters;
8. Stadiums, arenas, field houses, race tracks for horse, car, motorbike, or other vehicles and other sports assembly uses and structures;
9. Retail sales or service incidental to other permitted uses on the premises including gasoline, oil marine craft and accessories, grocery items, confectionery, drug and proprietary, art and craft products, books and stationery, antiques, sporting and athletic goods, bait, fuel and ice, bottled gas, cigars and cigarettes, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs and similar products;

10. The operation of eating and drinking establishments including alcoholic beverages;
11. Ferry Boat Landings.

SECTION 714

Intensity

There are no minimum or average intensities common to recreational uses; rather the intensity or use in a recreational district shall be based on the performance standards determined unique to each use and its affected lands. However, all structures associated with any Principally Permitted, Accessory, and/or Conditional use in the Recreation district shall be subject to the C-2 zoning district intensity standards.

SECTION 715

Minimum Size

There is no minimum size or extent of land common to recreational uses or districts; rather a recreational district may include a single private or public lot of record if the general performance of the specific use and its affected lands so merits.

SECTION 716

Minimum Standards

The following standards shall apply to any permitted, accessory or conditional use and structure in this district:

1. The operation of any accessory or conditional use shall be pursuant and subservient to the purposes of the normal permitted recreational activity;
2. No use shall include the feeding, sheltering or penning of animals or fowl or the storage of refuse or compost within one hundred (100) feet of any adjacent property not used for agricultural purposes;
3. All uses in a Recreation zone shall be conducted in conformance with Article 30 - Site Plan Review;
4. See Article 31 for dimensional standards.

Appeals by at least one owner or owner by contract (option) or lessee with permission of the owner of property for which such conditional use is proposed. The Board may require the applicant to submit a site plan as detailed in Article 30 of these regulations.

SECTION 262

General Standards Applicable to All Conditional Uses

In addition to any specific requirements for conditionally permitted uses deemed appropriate by the Board of Adjustment and Zoning Appeals, the Board shall review the particular facts and circumstances of each proposed use and determine that the use is in fact a conditional use as established under the provisions of this zoning order. The Board may consider whether such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

SECTION 263

Specific Standards Applicable to All Conditional Uses

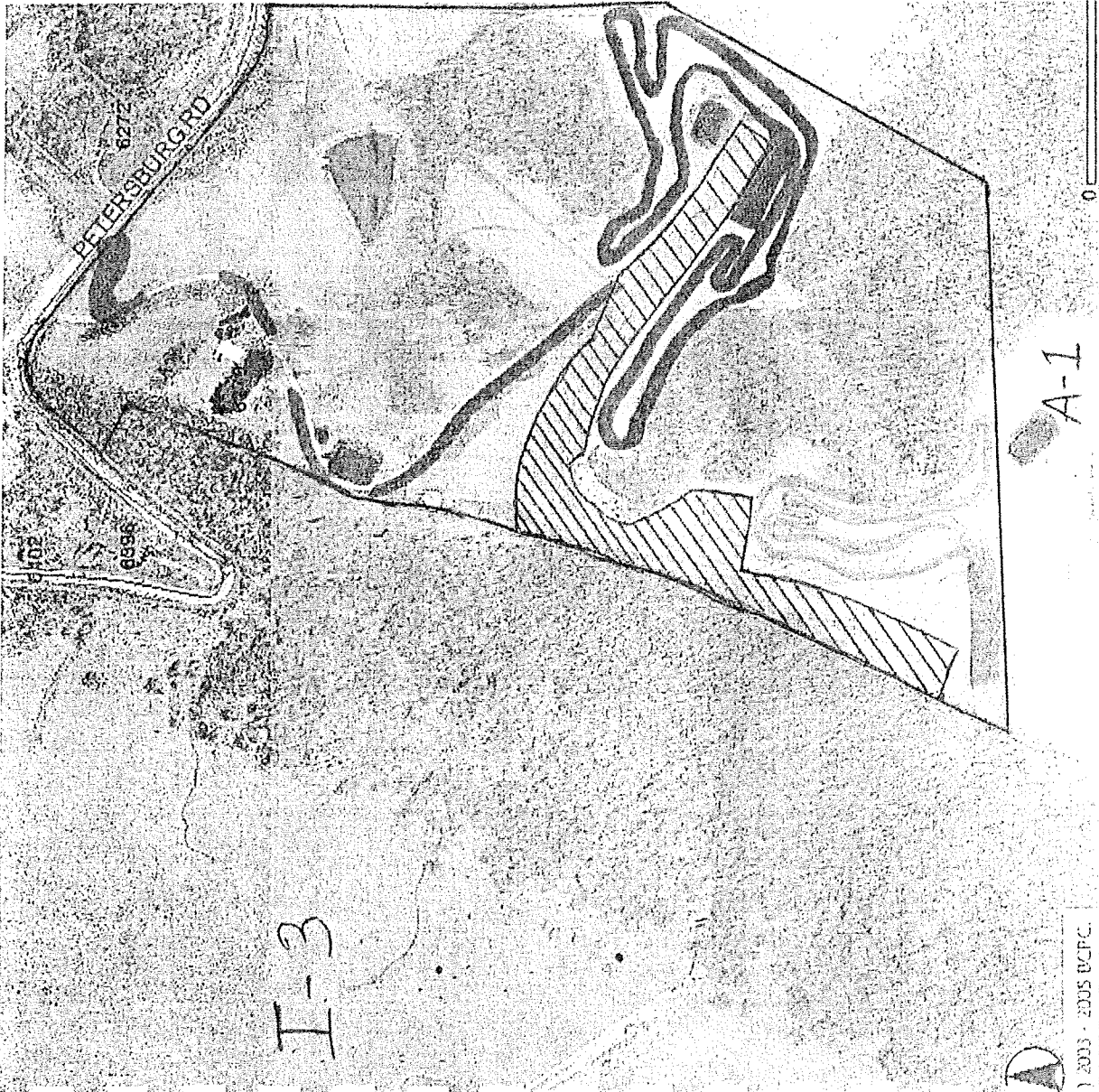
The Board shall also consider the criteria for conditional uses as set forth in each zoning district.

SECTION 264

Supplementary Conditions and Safeguards

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this order. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this order and punishable under Section 430 of this order.

CONCEPT DEVELOPMENT PLAN



© 2003 - EDUS BCPC.

- EXISTING BUILDINGS
- IMPLANE AT DRIVEWAY
- PARKING
- MAIN TRACK
- SMALL TRACK

PROSPECT HILL MOTOCROSS

CONCEPT DEVELOPMENT PLAN

DEC - 5 2005

CONCEPT DEVELOPMENT PLAN
“Prospect Hill Motocross”

Property

The real property (“Property”) that is the subject of this zoning amendment application is a 40 acre, more or less, tract of land located on State Route 20 near Petersburg, Kentucky.

Ownership

This Property has since 1990 been owned by Steve and Mary Jo Amann. Brad Amann, a joint applicant, is the son of the Property owners.

Requested Zone Change

The Property is currently zoned Agricultural “A-1.” There is no active farming or agricultural use on the Property and except occupancy of the current residence house by one of the Applicants, this land is unused except for private use of off-road motorcycles.

This application for a zoning map amendment requests a change from the current zoning of “A-1” to a recreational district (“R”) zone with a conditional use for off-road motorcycle racing (commonly referred to as “moto-cross”).

Applicant submits that this zone amendment is consistent with the Boone County Comprehensive Plan.

Rationale:

The entire western border of this Property, approximately 1900’, adjoins land that is presently zoned as industrial zone (I-3) and presently being used for gravel and sand mining and extraction. In the summer of 2005, Martin Marietta began surface mining on the east side of KY 20 at Vesper Lane. This mining is expected to and will eventually encompass most of the land now known as the Vesper Farm. The creation of a Recreational District (“R”) on the Property would serve as an ideal buffer between the land to the west zoned as I-3 zone and the surrounding land zoned A-1.

Applicants submit that this zone amendment request is consistent with the Boone County Comprehensive Plan in that it allows for more recreation zoned areas in this section of the county. New recreational uses are important because of the residential growth throughout Boone County.

Terrain

This Property consists of a ridge overlooking the Ohio River Valley basin. The Property is primarily a rolling to hilly terrain with plateau areas on the ridge tops.

The specific topography is shown on the attached document. (topography and aerial maps included).

Access to Highway

The Property abuts KY SR 20, a two-lane state highway. The Property is near Petersburg, Kentucky and is located approximately 4.9 miles west of I-275. Access to the Property is by means of a new driveway entrance off SR 20 installed in 2004. This new driveway access increased site distance issues on SR 20 and replaced the original Property access. This new driveway access is allowed through an encroachment permit authorized and approved by the Kentucky Transportation Cabinet. (copy of State Encroachment Permit and Inspection Report attached).

The driveway into the Property leads past the existing Property structures to the ridge tops where the recreational activity area is located and will be conducted.

Intended Recreational Use

Once the zoning amendment to recreational district ("R") is granted, the applicants intended use is to allow public access by membership to the Property to use this land and the existing moto-cross tracks for off-road motorcycles.

The intended use anticipates and will be permitted for off-road motorcycles only. ATV vehicles for most users (older minor children and adults) will not be allowed or permitted principally for reasons of safety. An exception to ATV vehicle use, with a small vehicle size and small engine capacity (cc 50-90), would be permitted on the smaller of the existing tracks for children 4 years to 10 years of age, who need to use these types of vehicles due to their size and physical capability restrictions.

The intended use as a moto-cross site facility is to accommodate the participants of this sport that has grown significantly over the past several years. This sport is organized and draws as participants, individuals as well as families. Sport participants range in age from as young as 4 or 5 and continues with participants well into their adult years. The sport of moto-cross is a highly skilled competitive sport which requires extreme concentration, agility, and body strength. It also requires commitment and discipline on the part of each rider.

The Applicants intend to use the existing moto-cross tracks on the Property. These tracks, of which there were two, use the natural terrain of hills and valleys, which is perfect for moto-cross. The Property has not been altered to accommodate these tracks and these tracks use the existing physical characteristics of the terrain. Drainage of water remains in existing natural flow areas and streams. There is currently no erosion or stormwater runoff caused by the lay out of the existing tracks. Allowing the use as intended is not expected to increase or cause any additional run off of stormwater drainage problems; however, soil erosion curtains or other erosion control features will be added as needed.

Existing Structures/Use

There are two houses on the property, the main house with a detached garage is used as a residence for one of the Applicants.

There is also the small house (currently used as a clubhouse). Each building has a cistern and septic system, 200 amp electrical service, and phone service. Heating for each house is an oil furnace and wood stove.

The Property also includes a large barn with 100 amp electric service and cistern, and a 14 x 14 concrete block building with electric from the barn.

We presently allow the use of the Property to private individuals to ride off-road motorcycles on tracks that we have established and laid out on the Property. We have had such good reaction to the tracks, both from parents and young riders, as well as professional riders, that we decided to apply for a zone change in order to open the tracks for use by the public, on a membership basis.

Proposed Intended Use.

The proposed zone change for this Property conforms perfectly with the Comprehensive Plan. More intense commercial development, including any further residential development of this Property, is not economically feasible given the difficult topography and general accessibility of much of the Property terrain and on the surrounding parcels of land which are developmentally sensitive (D.S.).

The intended use does not change or alter the existing terrain as further development of the Property is expected to be minimal. The existing tracks utilize the natural terrain of the hills and valleys. The Property itself is bisected by a public utility electric line easement (DB69/P43). Because of this utility easement, there is no unnecessary growth of vegetation or trees on the Property within this easement area. There will be no additional building of structures on the Property.

The existing flat pasture area along the top of the ridge (approx. 2-3 acres) is more than adequate for parking. Much of the existing fencing separates the parking and public areas from the track areas, and some additional fencing would be added.

The existing small structure and former residence (c. 900 sq. ft. with basement) located on the Property has a new 200 amperes electric service that is more than adequate for our intended use.

This smaller structure is and will continue to be used as a space in which sport participants would register and also be used for retail food and non-alcohol drink concessions and related sport concession sales. This structure will also serve as a shelter in the event of inclement weather. The basement of this smaller structure will be used for parts, tire and tube changing, and storage for maintenance equipment.

The septic system, however, is not intended for public use. Currently, with the tracks being used only for family and friends, we contract with "Got-A-Go," a Boone County company, for one portable toilet facility. When open to the public, we will use as many as they recommend for the amount of people anticipated. These are cleaned and sanitized weekly to assure a safe and healthy environment.

Use Issues

Once the zone change is granted the Applicants intend to address the following use issues:

- A. **Trash and Refuse.** Trash and refuse will be handled by 55 gallon drums placed about every 200 feet along the fence lines. This is consistent with other similar operations of this type. One on-site dumpster will be used to place trash and refuse until it is taken away by a commercial waste hauler on a weekly basis.
- B. **Noise Abatement.** Several factors are in place that will minimize and reduce engine noise that may result from the use of the moto-cross tracks. The track facilities will be open for use only from March 1 through November 30, weather permitting. During this time existing vegetative foliage on trees and bushes will buffer sound. The track facilities will not be used during winter months.

To further minimize sound from the motorcycle vehicles, each motorcycle is equipped with a functioning silencer. This equipment will be checked for each vehicle prior to use on these tracks. By taking advantage of existing terrain features in track design, with the use of hillsides and valleys, as well as the trees surrounding the tracks, assists in buffering noise to surrounding property, all of which is sparsely populated.

- C. **Class of Vehicles.** There will be no more than 20 motorcycles in each race, most classes will not have that many. More than half of the classes are small bikes (50cc-85cc) which are very quiet.
- D. **Conditions of Use.** Conditions for racing are best when the dirt is wet. We have purchased a water truck and will design a watering system to accomplish this, therefore, excessive emission of dust will not be a problem.
- E. **Access to Property.** The private gravel driveway from KY 20 to the track area will be improved. It is not possible, due to the terrain, to make the entire driveway 2 lanes. We will add a second lane wherever possible. (Drawing enclosed.)
- F. **Signage.** A 3' x 5' sign would be placed on the Property along SR 20 to identify the facility.

- G. **Safety, Emergency Response.** The track design maximizes the safety of the riders, but, like other sports, there is a risk of injury. We will have at least 2 EMTs at every race, and the Petersburg ambulance is less than 1 mile away. All riders will be required to have a membership which includes signing waivers for adult and under 18 riders. Additionally, every spectator must sign a liability waiver upon entry. (Copies attached. See back.)
- H. **Proposed Events.** Racing will normally be 2 weekends per month during Daylight Savings Time only. Tracks do not open until 9:00 a.m. and close before dark. These races should attract 150-200 riders, as well as 100-150 spectators. We anticipate 100-150 vehicles. Registration is between 7-9 a.m. Saturday or Sunday, so most vehicles will use KY 20 at or before these hours. Racing normally takes 6-8 hours, and is divided into many different classes, decided by age, bike size, skill level, etc. (approximately 20 classes). Pick-up trucks, vans, some with trailers, and some motor-homes are used to transport riders, bikes, and spectators to the tracks. The effect on KY 20 traffic will be minimal because all riders must be at the track before 9:00 a.m. Saturday or Sunday only for registration. Riders usually leave the track after their class is finished, so traffic leaving will be spread over 4 hours in the afternoon or early evening. There will be no racing on weekdays when the gravel pits are open and dump truck traffic is very heavy on SR 20. We plan to be open 1 or 2 weekday evenings for practice from 4-9 p.m. This usually attracts approximately 30-40 vehicles. Since the facility will not be open in the winter months, the poor conditions on KY 20 in the winter will not be an issue.
- I. **Rationale For Zone Change.** The popularity of off-road motorcycles continues to grow every year. One example of this popularity is the success in sales of motorcycles in Boone County by Honda of Florence and Richwood Powersports.

With continued development of increasing amounts of farmland into residential subdivisions, there are fewer places in Boone County that allow owners to use these types of motorized bikes. Parents, children, teenagers and adults need a place that is legal, safe, supervised, and a controlled environment.

This facility will attract not only Boone County residents, but prove to be beneficial to tourism by attracting similar sports enthusiasts and riders from surrounding states and counties. These people will be using existing commercial services, such as the gas stations and restaurants in Hebron as well as the grocery store in Petersburg, all of which is expected to add economic value to the community.

Riders and parents of riders encompass a wide range of occupations, from business owners, pilots, policemen, to blue collar workers and bankers. Three new tracks have recently opened south of Boone County (Trimble Co., Owen Co., and Gallatin Co.).


- J. **Conditional Use Permit.** The Applicants request for Conditional Use Permit is essential to the success of this project. Families that will use our facility will enjoy the park-like, country setting, but the amateur competition is the main reason they will be here. This sport that is shared by parents and children, through their teenage years and into their twenties, is a proven way to help bond families together. The riders are committed to their sport, and drugs and alcohol are not part of a competitive rider's life. Even though the sport is competitive, riders and their families build friendships with each other that can last a lifetime.

For these reasons we request approval of this application.

Applicants:



Steven Amann



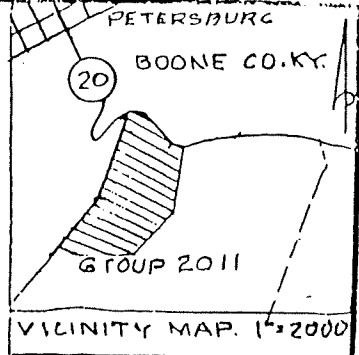
Brad Amann

I certify that this plat has been prepared by me or under my supervision in accordance with the Ky. Min. Surveying Standards and complies with all requirements of the Boone County Zoning & S/D Regulations and that dedicated areas including public ways or streets are currently owned by the property owner.

Noel Walton
Ky. Reg. P.E. & L.S.

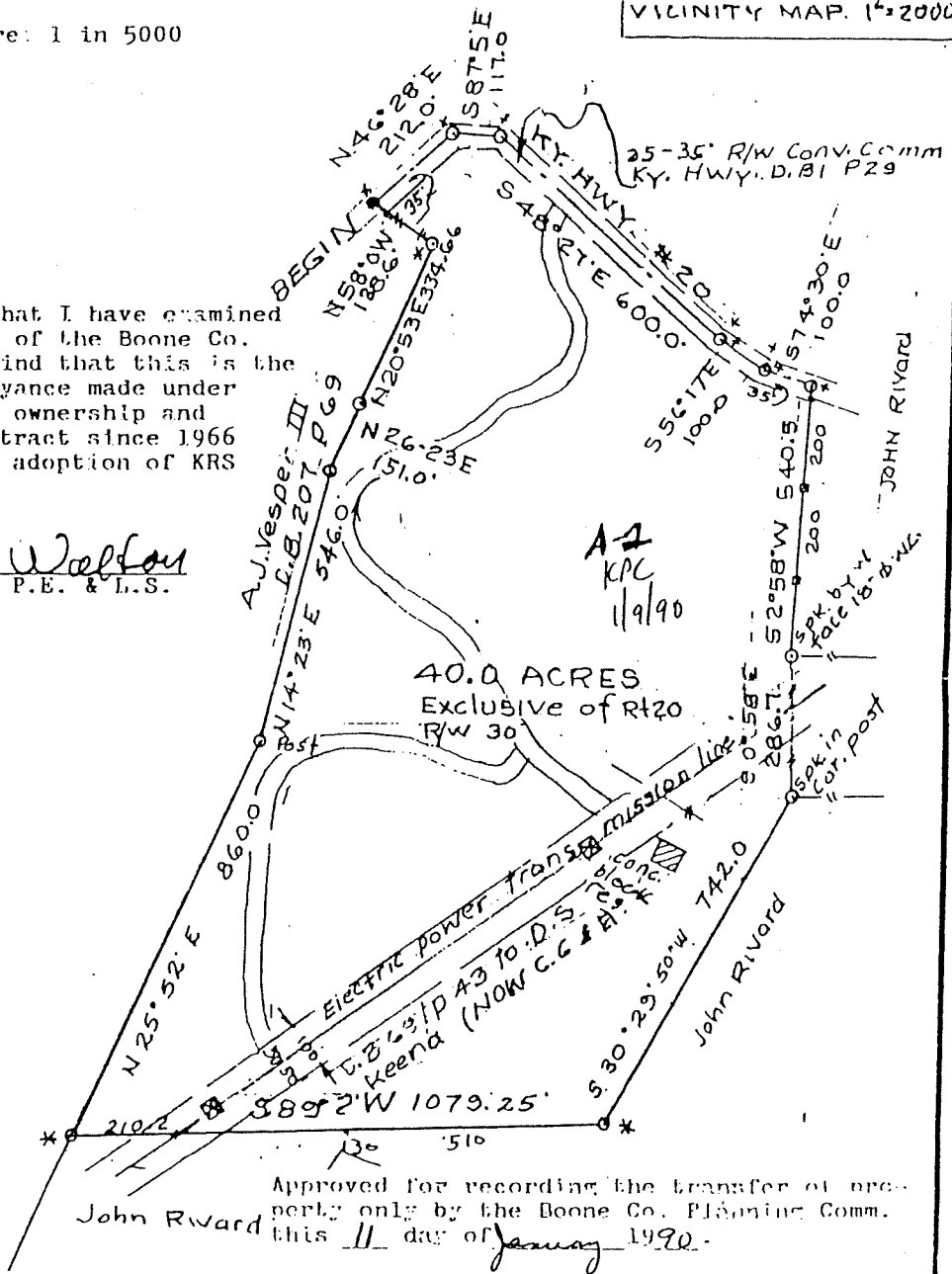
Date

Closure: 1 in 5000



I certify that I have examined the records of the Boone Co. Clerk and find that this is the first conveyance made under the present ownership and the parent tract since 1966 or from the adoption of KRS 100.

Noel Walton
Ky. Reg. P.E. & L.S.



Approved for recording the transfer of property only by the Boone Co. Planning Comm. this 11 day of January 1990.

Carol Smith, Dist. Comm.
Chairman



Plat 40.0 acres tract S.W. side Ky Rt 20 to be conveyed by John Rivard		
SCALE: 1" = 300'	APPROVED BY:	DRAWN BY:
DATE: 12/13/89	F. B. 174 P 1	REVISED:
Part of 290 Acs to John Rivard D.B. 139 P. 447 - see will for wife name change. Hwy. R/W HWY D.B. 1/29		
Walton & Walton — Civil Engineers — Surveyors 1400 W. KY 41005		DRAWING NUMBER



KENTUCKY TRANSPORTATION CABINET
Department of Highways, District Six
421 Buttermilk Pike, P.O. Box 17130
Covington, Kentucky 41017
859/341-2700 (Fax) 859/341-3661
WWW.KENTUCKY.GOV

ERNIE FLETCHER
GOVERNOR

MAXWELL C. BAILEY
SECRETARY

June 3, 2004

SUBJECT: ENCROACHMENT PERMIT APPROVAL

Dear Applicant:

Attached is your application for a permit, which has been approved by the Department of Highways. A copy of this permit should be available on the Job site at all times.

Please review all attachments and see that the work is done in conformity with the permit and approved plans and all attachments.

Please note that the traveled way and shoulders must be kept free from mud and other debris at all times during construction. Failure to abide by this may result in your permit being revoked.

Traffic control must be in place prior to beginning work and continue in place until completion of the project including final restoration.

Final restoration is to be completed promptly upon completion of the work within the right of way. The indemnity can not be released until the right of way has been restored to the original condition.

If you have any questions please notify this office.

Sincerely

Samuel Beverage, P. E.
CHIEF DISTRICT ENGINEER


William F. Madden, P. E.
TEBM FOR TRAFFIC

WFM/dlt
Attachments

Released Date _____

ENCROACHMENT PERMIT

P.E.
 PERMIT NO. 06-0400-04P

APPLICANT IDENTIFICATION:
 NAME: Steve Amann
 CONTACT PERSON: _____
 ADDRESS: 6279 Petersburg Rd P.O. Box 2
 CITY: Petersburg
 STATE: Ky ZIP CODE: 41080
 PHONE: area code (0) 689-7292

PROJECT IDENTIFICATION:
 ACCESS CONTROL: By Permit Partial Full
 COUNTY: BOONE PRIORITY ROUTE NO: KY 20
 MILEPOINT: 6.92 Left Right X-ing
 PROJECT STATUS: Maint. Const. Design
 PROJECT # STATE: MP-008-0020
 PROJECT # FEDERAL: _____
 ROAD/STREET NAME: Petersburg Road

TYPE OF ENCROACHMENT:
 COMMERCIAL ENTRANCE - BUSINESS _____
 PRIVATE ENTRANCE: Single Family Farm
 UTILITY: Overhead Underground
 GRADE: Fill Landscape on R/W
 AIRSPACE: Agreement Lease
 OTHER: (Specify) _____

ATTACHMENTS:
 Standard Drawings (List on TC 99-21 under Misc.)
 Applicant's Plans
 Highway Plan and Profile Sheets.
 TC 99-3 (Ponding Encroachment Specs. and Conditions)
 TC 99-4 (Rest Area Usage Specs. and Conditions)
 TC 99-5 (Tree Cutting/Trimming Specs. and Conditions)
 TC 99-6 (Chemical Use of Specs. and Conditions)
 TC 99-10 (Typical Highway Boring Crossing Detail)
 TC 99-12 (Overhead Utility Encroachment Diagram)
 TC 99-13 (Surface Restoration Methods)
 TC 99-21 (Encroachment Permit General Notes and Specs.)
 TC 99-22 (Agreement for Services to be Performed)
 TC 99-23 (Mass Transit Shelter Specs. and Conditions)
 Other Attachments (Specify): _____

TYPE OF INDEMNITY: Bond Cash
 SELF-INSURED AMOUNT ENCUMBERED \$ _____
 OTHER _____

NAME AND ADDRESS OF LOCAL INSURANCE AGENCY OR SELF-INSURED REPRESENTATIVE:

ON SITE INSPECTION DATA. DRIVEWAY PROFILE CONTROLS

INDEMNITY: The applicant, in order to secure this obligation, has deposited with the Transportation Cabinet as a guarantee of conformance with the Department's Encroachment Permit requirements, an indemnity in the amount of \$ _____ as determined by the Department. It shall be the responsibility of the applicant or permittee, his heirs and assignees to keep all indemnities in full force until construction or reconstruction has been completed and duly accepted by an authorized agent of the Transportation Cabinet, Department of Highways.

BRIEF DESCRIPTION OF WORK TO BE DONE.
 APPLICANT TO PROVIDE 24 FT. OF 15" C.M. P.
 PIPE INSTALLED BY STATE PERSONNEL
 NO PIPE REQUIRED.

IMPORTANT (PLEASE READ): Applicant does does not intend to apply for excess R/W.

When the work is completed in accordance with the terms of this encroachment permit, your indemnity will be released. However, the permit is effective until revoked by the Transportation Cabinet and the terms on the permit accompanying permit documents and drawings remain in effect as long as the encroachment exists. **FUTURE MAINTENANCE OF THE ENCROACHMENT IS THE RESPONSIBILITY OF THE PERMITEE.** It is important that you understand the requirements of this encroachment permit application and accompanying documents. If you have not done so, it is suggested that you review these documents and place the permit package in a safe place for future reference.
A copy of this permit and all documents shall be given to your contractor and shall be readily available at the work site for the encroachment permit inspector to review at all times. Failure to meet this requirement may result in cancellation of this permit.

Permi _____

The permittee agrees to the following terms and conditions:

1. The permittee shall comply with and is bound by the requirements of the Department's Permits Manual as revised to and in effect on the date of the issuance of this permit which is made a part hereof by reference.
2. Permittee agrees that if the Department determines that vehicular capacity deficiencies or over capacity conditions develop as a result of the installation and use of this facility, the permittee shall adjust, relocate, or reconstruct the facilities and/or provide and bear the expenses for signs, auxiliary lanes, or other corrective measures reasonably deemed necessary by the Department and as set forth in the Department's Permit Manual within a reasonable length of time after receipt of written notice regarding such adjustments, relocation, additions, modifications, and/or corrective measures, such time to be specified in the notice. In cases where traffic signals are permitted or required, as determined by the Department, the costs for signal equipment and installation(s) shall be borne by the permittee and/or the Department in accordance with Department policy then in force as set forth in the Traffic Manual. Any modifications to the permittee's entrance necessary to accommodate signalization (including necessary easement(s) on private property) shall be the responsibility of the permittee, at no expense to the Department. (This applies only to Entrance Permits.)
3. The said encroachment will not infringe on the frontage rights of an abutting owner without written consent of the said owner as hereto: "I(we) consent to the granting of attached permit." _____
Date _____ (This does not apply to utilities which serve the general public.)
4. Any permit granted hereunder shall be with the full understanding that it shall not interfere with any similar rights or permits heretofore granted to any other party except as otherwise provided by law.
5. A plan prepared by _____ and dated _____ is attached hereto and made a part hereof, which describes the facilities to be constructed by the permittee for which facilities this permit is granted. The permittee agrees as a condition to the issuance of the permit to construct and maintain such facilities in accordance with said plan, and the permittee shall not use the facilities authorized herein in any manner contrary to that prescribed by this permit and plan. Normal usage and routine maintenance only are authorized under this permit.
6. Permittee shall comply with the Manual on Uniform Traffic Control Devices as revised to and in effect on the date of the issuance of this permit which is made a part hereof by reference.
7. Permittee shall at all times from date when work is first commenced and until such time as all facilities are removed from the right-of-way premise, defend, protect, and save harmless the Department from all liability, claims, and demands arising out of work undertaken by the permittee pursuant to this permit, due to any negligent act or omission by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of any third party or operate to enlarge any liability of the Department beyond that existing at common law if this right to indemnity did not exist.
8. Upon a violation of any of the provisions of this permit, the Department may revoke the permit by giving notice to the permittee in writing to remove from the right-of-way any facilities placed thereon within a reasonable time as set forth in the notice, and in the event said facilities are not so removed, and the right-of-way restored the Department may cause same to be removed, and the costs thereof shall be charged to the permittee.
9. The permittee, his successors and assigns shall use the encroachment premises in compliance with all Federal requirements imposed pursuant to the provisions of the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000-1) and regulations of the U.S. Department of Transportation as set forth in Title 49 C.F.R., Part 21, and as said regulations may be amended.
10. Permittee agrees that in the event it should become necessary, as may be reasonably determined by the Department, for the facilities covered by this permit to be removed or relocated in connection with the reconstruction, relocation, or improvement of the abutting highway, the Department may revoke this permit and require removal or relocation by the permittee at his own expense according and pursuant to the procedures provided in Paragraph 8 above except in those cases where the Department is required by law to pay any or all the same.
11. The permittee understands and agrees that this permit is personal to the permittee and shall not inure to his successors and assigns without the written approval of the Department that he is bound by the provisions of this permit as long as the encroachment exists unless a written release has been obtained from the Department. (Does not apply to utilities serving the general public.)
12. If the work authorized by this permit is on a project in the construction phase, it shall be the responsibility of the permittee to make personal contact with _____ Resident Engineer on the project to coordinate the permitted work with the State's prime contractor on the project.
13. This permit does not alleviate any requirements of any other government agency.
14. Permittee agrees to keep the priority route in which this permit was issued clear of dirt, mud, and debris during construction and for the life of this permit.

ANY ATTEMPT TO ALTER THIS FORM CONSTITUTES A VOID PERMIT.

ANY ATTEMPT TO ALTER THIS FORM CONSTITUTES A VOID PERMIT.

THE UNDERSIGNED APPLICANT (being duly authorized representative/owner) DOES AGREE TO ALL TERMS AND CONDITIONS SET FORTH HEREIN.

January 1st, 20 _____ July 1st, 20 04 4-7-04 _____
 Completion Date Date Signature

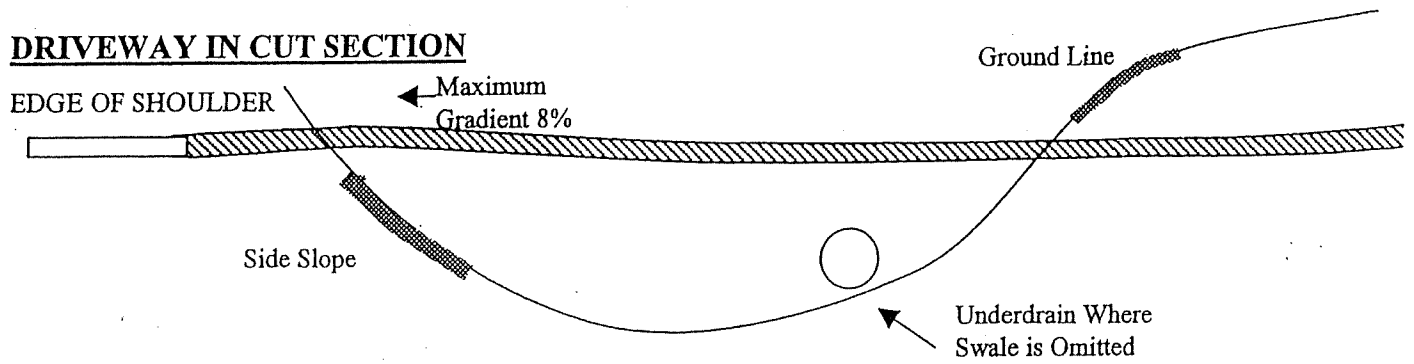
RECOMMENDED FOR APPROVAL
TEBM ACTIVE _____ J. W. F. Madson _____
 Title Signature Chief District Engineer Date
 JUN 02 2004

PRIVATE ENTRANCE: TO BE COMPLETED BY PERSONNEL INSTALLING FACILITY.

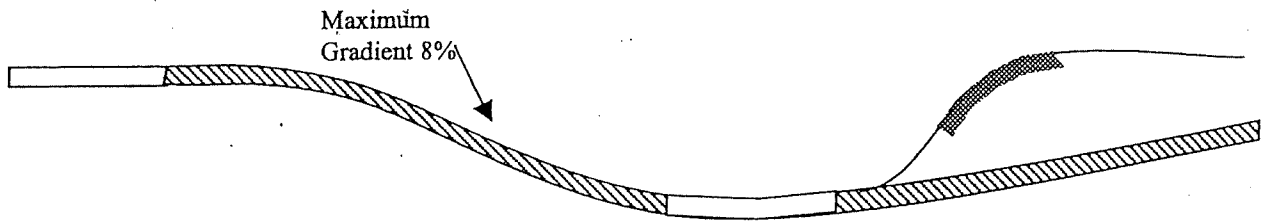
DRIVEWAY PROFILE CONTROLS

DRIVEWAY MAXIMUM GRADIENT – 8% COMMERCIAL, 15% OTHER

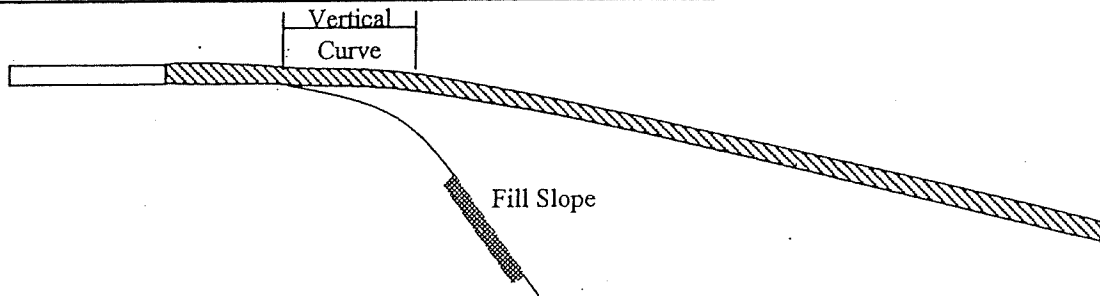
DRIVEWAY IN CUT SECTION



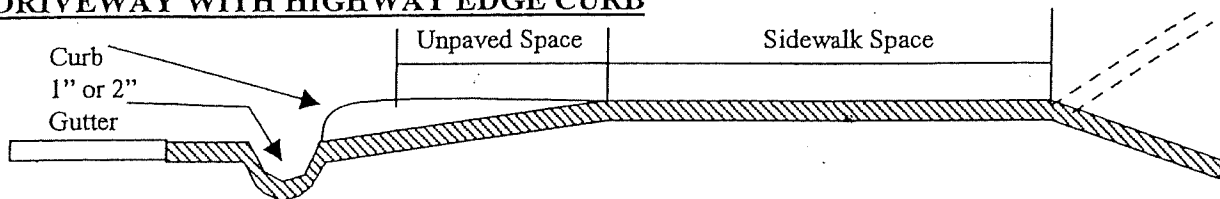
DRIVEWAY WITH VALLEY GUTTER



DRIVEWAY WITHOUT HIGHWAY EDGE CURB



DRIVEWAY WITH HIGHWAY EDGE CURB



DIFFERENCE BETWEEN GRADIENT OF DRIVEWAY AND CROSS SLOPE OF PAVEMENT SHOULD NOT EXCEED 10%

PROSPECT HILL MX PARK - 2004
MEMBERSHIP APPLICATION

Prospect Hill Farm
6279 Petersburg Road
Petersburg, Kentucky 41080

Member No.: 75

Date: 7-11-04

I apply for membership to Prospect Hill Mx Park. I agree to abide by the posted rules and understand that violation of the rules may cause my membership to be revoked with loss of membership fee.

IN CONSIDERATION of being permitted to enter Prospect Hill Farm for any purpose or being permitted to compete, practice, officiate, observe, work for, or for any purpose participate in any way in the activities, each of the undersigned, for himself, his minor children, his personal representatives, heirs, and next of kin, acknowledges, agrees and represents that he has, or will immediately upon entering premises, and will continuously thereafter, inspect the premises and all portions thereof which he enters and with which he comes in contact, and he does further warrant that his entry upon these areas and his participation, if any, in any activity constitutes an acknowledgment that he has inspected such areas and that he finds and accepts the same as being safe and reasonably suited for the purposes of his use, and he further agrees and warrants that if, at any time, he is in or about any areas and he feels anything to be unsafe, he will immediately advise the owners or officials of such and will leave the area.

HEREBY RELEASES, WAIVES, DISCHARGE SAND COVENANTS NOT TO SUE the owners, STEVE and MARY JO AMANN, FARM BUREAU INSURANCE CO., promoters, participants, sponsors, advertisers, and anyone associated with Prospect Hill Farm, all for the purposes herein referred to as "Releasees", from all liability to the undersigned, his personal representatives, assigns, heirs, and next of kin for any and all loss or damage, or any claim or demands therefore on account of injury to the person or property or resulting in death of the undersigned, or his minor children, whether caused by the negligence of the Releasees or otherwise while the undersigned or his minor children are in or upon the premises and/or competing, practicing, officiating in, observing, working for, or for any purpose participating in the activity.

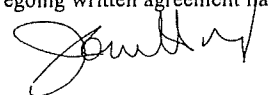
HEREBY AGREES TO INDEMNIFY AND SAVE AND HOLD HARMLESS the Releasees and each of them from any loss, liability, damage, or cost they may incur due to the presence of the undersigned or his minor children, in or upon any area or in any way competing, practicing, officiating, observing, or working for, or for any purpose participating in the activity whether caused by the negligence of the Releasees or otherwise.

HEREBY ASSUMES FULL RESPONSIBILITY FOR AND RISK OF BODILY INJURY, DEATH OR PROPERTY DAMAGE to himself or his minor children, due to the negligence of Releasees or otherwise while in or upon any area and/or while competing, practicing, officiating, observing or working for or for any purpose participating in the activity.

EACH OF THE UNDERSIGNED expressly acknowledges and agrees that the activities are very dangerous and involve the risk of serious injury and/or death and/or property damage. Each of the undersigned further expressly agrees that the foregoing Release and Waiver of Liability and Indemnity Agreement is intended to be as broad and inclusive as is permitted by Kentucky law and if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

The undersigned has read and voluntarily signs the Release and Waiver of Liability and Indemnity Agreement, and further agrees that no oral representations, statements, or inducement apart from the foregoing written agreement have been made.

I sign this Agreement on my own behalf and on behalf of my minor children.



Signature of Applicant

Printed Name of Applicant

PROSPECT HILL MX PARK 2004	
Member No.: <u>75</u>	I HAVE READ AND SIGNED THE RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT.
Date: <u>7-11-04</u>	
<u>Tyler Thornberry</u> Print Name	<u>Tyler Thornberry</u> Signature of Applicant

READ CAREFULLY THIS IS A RELEASE

MINOR RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT

PROSPECT HILL FARM
6279 PETERSBURG ROAD
PETERSBURG, KENTUCKY 41080

Member # _____

Date _____

IN CONSIDERATION of my minor child ("the Minor") being permitted to enter Prospect Hill Farm for any purpose and/or to participate in any activity, I agree:

1. I know the nature of the activities and the Minor's experience and capabilities, and believe the Minor to be qualified to participate in these activities. I will inspect the premises, facilities and equipment to be used or which the Minor may come in contact. If I, or the Minor, believe anything to be unsafe, I will immediately instruct the Minor to leave the area and refuse to participate further in the activity.

2. I fully understand and will instruct the Minor that: (a) The activities are very dangerous and participation involves risks and dangers of serious bodily injury, including permanent disability, paralysis, and death ("Risks"); (b) these Risks and dangers may be caused by the Minor's own actions, or inactions, the actions or inactions of other participants, the rules, the condition and layout of the premises and equipment, or the negligence of the "Releasees" named below; (c) there may be other Risks not known to me or that are not readily foreseeable at this time; (d) the social and economic losses and/or damages that could result from those Risks could be severe and could permanently change the Minor's future.

3. I consent to the Minor's participation in all activities and hereby accept and assume all such Risks, known and unknown, and assume all responsibility for the losses, costs, and/or damages following such injury, disability, paralysis, or death, even if caused in whole or in part, by the negligence of the "Releasees" named below.

4. I hereby release, discharge, and covenant not to sue STEVE AMANN and MARY JO AMANN, owners, FARM BUREAU INSURANCE CO., promoters, participants, officials, sponsors, advertisers, or anyone associated with Prospect Hill Farm, consultants and other persons or entities who give recommendations, directions, or instructions regarding the premises or activity and each of them, their directors, officers, agents and employees, all for the purposes herein referred to as "Releasees", from all liability to me, the Minor, my and the Minor's personal representatives, assigns, heirs, and next of kin, for any and all claims, demands, losses, or damages on account of any injury, including, but not limited to, death or damage to property, caused or alleged to be caused in whole or in part by the negligence of the "Releasees" or otherwise.

5. If, despite this release, I, the Minor or anyone on the Minor's behalf makes a claim against the "Releasees" named above, I agree to indemnify, save and hold harmless the "Releasees" and each of them from any litigation expenses, attorney fees, loss, liability, damage or cost they may incur due to the claim made against any of the "Releasees" named above, whether the claim is based on the negligence of the "Releasees" or otherwise.

6. I sign this Agreement on my own behalf and on behalf of the Minor.

I HAVE READ THIS PARENTAL CONSENT, RELEASE AND WAIVER OF LIABILITY, ASSUMPTION OF RISK, AND INDEMNITY AGREEMENT, UNDERSTAND THAT BY SIGNING IT I GIVE UP SUBSTANTIAL RIGHTS I AND/OR THE MINOR WOULD OTHERWISE HAVE TO RECOVER DAMAGES FOR LOSSES OCCASIONED BY THE RELEASEES' FAULT, AND SIGN IT VOLUNTARILY AND WITHOUT INDUCEMENT.

FATHER OR GUARDIAN (PRINT + SIGN NAME)

NAME OF PARTICIPANT (PRINT)

MOTHER OR GUARDIAN (PRINT + SIGN NAME)

WITNESS

STREET

CITY

STATE

ZIP

PLEASE SIGN MINOR'S ASSUMPTION OF RISK FORM ON BACK

MINOR'S ASSUMPTION OF RISK ACKNOWLEDGMENT

PROSPECT HILL FARM
6279 PETERSBURG ROAD
PETERSBURG, KENTUCKY 41080

Member # _____

Date _____

I have obtained my parent's consent to participate in the above Event(s). I understand that I am assuming all of the Risks if I get hurt during the Event(s) and I state the following:

1. Both my parents and I believe I am qualified to participate in the Event(s). I will inspect the permissions and equipment and if, at any time, I feel anything to be unsafe, I will immediately leave and refuse to participate further in the Event(s).

2. I understand that the ACTIVITIES OF THE EVENT ARE VERY DANGEROUS AND INVOLVE RISKS AND DANGERS OF MY BEING SERIOUSLY INJURED OR HURT, MY BEING PARALYZED OR KILLED.

3. I know that these Risks and dangers may be caused by my own actions or inactions, the actions or inactions of others participating in the Event(s), the rules of the Event(s), the condition and layout of the premises and equipment, or the negligence of others, including those persons responsible for conducting the Event(s).

I HAVE READ THE ABOVE ASSUMPTION OF RISK ACKNOWLEDGMENT, UNDERSTAND WHAT I HAVE READ, AND SIGN IT VOLUNTARILY.

SIGNATURE OF MINOR PARTICIPANT

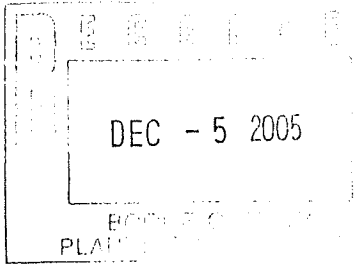
DATE

PRINTED NAME OF MINOR PARTICIPANT

AGE

WITNESS

PRINTED NAME OF WITNESS



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Prospect Hill Motocross
2. Location of Project 6279 Petersburg Road, KY SR # 20, Petersburg, KY 41080
3. Total Acreage of Site 40.0
4. Current Zoning of Site A1
5. Proposed Zoning (Classification being requested) Recreation District
6. Proposed Uses (please specify each use) Motocross track (specialized amusement facility). Conditional Use 8. track for motocross motorbikes; 9. Retail sales associated with principal permitted use or conditional use; 10. Retail food, *
7. Names of Applicant(s) Brad Amann and Steve Amann
Phone Number 859-356-2033 (Brad Amann) Fax No 859-689-5630 (Steve Amann)
8. Address of Applicant(s) Brad Amann, 2669 Larch Ct., Covington, KY 41015
Steve Amann, 6279 Petersburg Rd., Petersburg, KY 41080
City State Zip
9. Name of Property Owner(s) Steven W. Amann and Mary Jo Amann
Phone Number 859-689-5630 Fax No. 513-381-0205
10. Address of Property Owner(s) 6279 Petersburg Rd., Petersburg, KY 41080 (Steve Amann)
2578 Spring Mill Pl., Burlington, KY 41005 (Mary Jo Amann)
City State Zip
11. Proposed Building Intensities (please specify) No additional buildings projected or planned.
12. Are there any existing buildings on the site? Yes
How many? Three - residence house, structure formerly used as a residence, barn.
13. Deed Book 440 Page No. 105 Group No. 2011
14. Are you also applying for:
X Conditional Use Permit
Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- N/A Boone County Water District
N/A Florence Water and Sewer Dept.
N/A Cinergy/U.L.H.&P. Co.
N/A Sanitation District #1
N/A Cincinnati Bell
N/A Owen County Rural Electric
No Boone County Public Works Department
No Kentucky Transportation Cabinet
N/A City of Florence Public Services Department
N/A Boone County Building Department

* drinks, serves no alcohol.

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

- N/A Northern Kentucky Health District
- N/A USDA NRCS/Boone County Conservation District
- N/A KY Division of Water
- N/A Local School District
- No Local Fire District
- No Other: Petersburg EMS

18. Project Jurisdiction/Location
 Unincorporated Boone County
 Florence
 Walton
 Union

19. Applicant's Signature Brad Amann Steve Amann
 Brad Amann Steve Amann
 Property Owner's Signature Steven W. Amann Mary Jo Amann
 Steven W. Amann Mary Jo Amann

SECTION B (To be completed by BCPC Staff)

1. Date Received 12-5-05
2. Review Fee \$2,023.00 R#44439
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - 5 Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer MICHAEL LUKAT
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial
9. Other: _____

** Five (5) Copies Are Required

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (859) 334-2196 - Phone
 (859) 334-2264 - Fax
 plancom@boonecountyky.org - E-mail
 www.boonecountyky.org - Web Page

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A**

**January 18, 2006
8:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mrs. Arnett, Mr. Bunger, Mr. Caddell - Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 10:25 PM and introduced the item on the Agenda:

Applicant: Brad Amann and Steve Amann for
Steven W. Amann and Mary Jo Amann (owners)
Request: Zoning Map Amendment and Conditional Use Permit

The request of Brad Amann and Steve Amann (applicants) for Steven W. Amann and Mary Jo Amann (owners) for a Zoning Map Amendment from Agriculture (A-1) to Recreation (R) and a Conditional Use Permit for an approximate 40-acre lot located at 6279 Petersburg Road, Boone County, Kentucky. The request is for a zone change and a Conditional Use permit to allow an off-road motorcycle track and associated retail sales, and retail food sales.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Attorney Thomas Vergamini with Taft, Stettinius & Hollister, was present on behalf of the applicants and the property owners. He stated that they have submitted a Concept Development Plan with extensive text to address in detail all of the questions they anticipated and why this application should be granted. He stated that the current zoning is inappropriate and there have been significant changes to the area. On the property is one of Boone County's most historic

structures, but the land is bisected by a utility line with a 100-foot easement and it abuts the gravel mine. For those reasons, they are asking to change the zoning from Agriculture to Recreation. They will submit for the record a videotape which gives detail of what the land looks like.

Mr. Brad Amann was present on behalf of his father and himself. His mother, Mary Jo Amann, will also speak this evening. He stated that he and his father applied for the zone change and Conditional Use Permit to allow motocross racing and related retail sales of parts riders may need on race day. He stated that the current zoning is inappropriate. They have lived on the property for sixteen years and it not economically feasible to farm the land. Major changes have taken place in the area which were not anticipated and have substantially altered the basic character of the land. The mining is beginning to move to the east side of KY 20 and as it goes up Vesper Lane, it will reduce their property value and it will no longer be a residential area. His father currently lives on the site, but he and his wife and children plan to move there. He stated that maintaining the property and the historic home is expensive and the land has to make some income for them to continue to restore and maintain the house. He stated that motocross is a great family sport. Parents spend a lot of time with their children on race day. Families bring their lunch and their pets and spend the day together. Mr. Amann showed a video of a motocross track and the subject site. He stated that they will sponsor teams that will represent Prospect Hill at larger tracks. They are not looking for national or regional competition at their facility or American Motorcycle sanctioning. He stated that a track would typically start with 40 – 42 motorcycles, but they will start with twenty. They intend to have a maximum of fourteen races a year and possibly only twelve, depending on the weather. They intend to stay small. Their primary goal is to make income from the property in order to improve the property, to continue to store the house and barn on the property, and to continue to live in Petersburg. They will live on the property and will be on-site.

Chairman Caddell questioned what is currently happening on the property. Brad Amann responded that his brother lets his friends ride there. Chairman Caddell stated the track appears to be close to a commercial designation. He asked if they charge. Mr. Amann responded “no” but added that a friend may want to give them \$10 for gas to ride, but they do not make any money there. Chairman Caddell asked if it is a private club. Mr. Amann responded “no”. Chairman Caddell noted the signs on the building. Mr. Amann responded that his dad was a builder and able to do the signs. Chairman Caddell asked if Mr. Amann was saying that the site is not generating any income and it is recreational riding. Mr. Amann responded “that is correct”.

Mary Jo Amann stated that the house takes a lot of work. She stated that Steve Amann has spent most of his life preserving homes. She has been on the Advisory Task Force for the parks in Boone County. They spend their time preserving historic homes or preserving Boone County. They feel that a gravel-

road and parking would allow water to seep through, but water does not seep through asphalt and concrete. She stated that the use will be low impact and have no adverse affect on the property. They know there will be noise, but there is noise now from the gravel trucks, airplanes, and mining. This will not be a Florence Speedway. It is low key and low scale. It is the best alternative for the property since there is I-3 mining on one side of them. She stated that the Staff could not see the track from the house because it is that far back from the road. Her son and family members will be living on the farm. She stated that they are trying to preserve the barn and house. This concluded the applicant's presentation.

The Chairman asked if there was anyone present who wished to speak in favor of the request.

Mr. Bob Warren, 1542 Copper Creek Court, Florence, stated that he rides recreationally and has been competing for years. He stated that this is a sport for families, but they do not have anywhere to ride in Boone County. There is no drinking and it is a good sport to keep children out of trouble. It is something that Boone County needs. He stated that it really should not be paved and paving would be detrimental to the area. He stated that the track cannot be seen from KY 20. This is a perfect location for a track and it uses the natural terrain. He recommended that the Commissioners look at the property. The property is recreational – it is not an agricultural site and no farming is being done there.

Mr. Tim Eickoff, 1045 Apple Blossom Drive, Florence, stated that this is a family sport with mom, dad, the kids and the family dog. The use will bring money to the area. Two dealerships in the area will benefit from the track. Petersburg and the surrounding businesses would also benefit.

Ms. Dawn Spoonamore, a resident of Petersburg, stated that this is a good sport. Her boys are involved in it and go to the site. This is a good opportunity to give the kids in Boone County something else to do.

Matt Woeste, 1048 Apple Blossom, Florence, stated that there are a lot of great riders in the area. The closest place to practice is Batavia, Ohio and a lot of people go to Maysville. The track is something this area needs. He stated that the property sits up high and it is hard to even hear the bikes on the road. The tracks sits way back and is hard to find.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Ms. Theresa Darby, 6005 Petersburg Road, stated that she lives one farm away from the site. The existing vegetation is not a sound barrier and they can hear the bikes all of the time. They cannot see the track. She is concerned about safety.

She stated that KY 20 was not built for the additional traffic. There are two slide areas where the road is crumbling from the gravel trucks. The road is buckled and twisted, and there are horseshoe turns with very limited sight distance. Afternoon practices two days a week will be at the same time as the elementary school buses and the gravel trucks. She stated that the road is not built for the extra traffic and the noise will be a problem.

Mary Ellen Lucas, who lives directly across the road from Prospect Hill, stated that her house is approximately the same elevation as the track. Twice last year when she had cookouts in her yard and they ran the motorcycles, the noise was so loud that they could not have conversation in her yard. Inside her house, they could not leave the doors open and hear the television. She stated that people living three miles away hear the noise. She is concerned that there is no sewer there. She stated that last year when the track was running, they were running 30 – 40 motorcycles and they projected that if this request was granted this year, they would run 100 – 150 motorcycles. She stated that with 100 – 150 drivers, there will be 100 – 150 spectators and they are saying they will use Port-o-Lets. Her property is high enough to see the track and she can image seeing rows of Port-o-Lets day after day and she may be able to smell them if they are not properly maintained. Her quality of life will be ruined – and it was drastically diminished this summer. The track will run from March until November and take away all of their summertime. The roads are also an issue.

Barbara Horton, 6264 Petersburg Road, stated that her quality of life is diminished because of the sound of the motorcycles. There are no mufflers on the motorcycles. She stated that big dooleys come in pulling trailers with motorcycles on them. The traffic is constant going up and down the road. She stated that the applicant says there will be two races every month -- but how many practices will there be? When they first started, it was only going to be Saturday and Thursday, but it is now everyday and every night. She stated that they have overnight camping and they discharge high velocity firearms on the property at night. She stated that the video the applicant showed was blatant child endangerment with little children on the motocross bikes. She stated that they are also riding on the Smith property and crossing KY 20 -- they say that they are only going on the track, but the bikes can be seen coming off the Smith property onto KY 20.

Mike Smith, 2971 Homestead, stated that he owns the Smith property behind the Amann's and they are infringing on his property. He indicated on the Power Point slide that the track is right up against his property and questioned there being no setback there. He stated that the riders who are not in the race horse around. He asked if the police are going to run them off of other people's property all the time. He does not live on the property so the noise does not bother him. He purchased the property for a possible residence later in life and he does not want to live by a motorcycle track. The track will devalue his property. He stated that if the Amann's had 250 – 300 acres and put the track in the middle,

that would different – but their property does not seem large enough for this use. He knows the land and there is not enough room for 150 cars, especially with trailers on the back. He feels that the Commissioners should visit the site.

Mr. Jerry Ready, 6161 Snyder Lane, stated that he has 160 acres that abuts the subject site. He stated that the Amann's have eroded their property and taken out 100-year old trees. He thought western Boone County was to be kept with as much farmland as possible. They have cut his fence line and he has cattle missing. The motorcycles scare his horses. He is tired of chasing his animals and having the Amann's infringe on his land. He stated that the motorcycles do not stay on 40 acres – they ride on 350 acres and it is not their land.

Sylvia Sears, 6260 Petersburg Road (across the street from the subject property), stated that she moved there five-and-a-half years ago for the rural, quiet atmosphere. The motocross bikes disturb the quiet and serene atmosphere of this area. The track would be right above the nice quiet town of Petersburg. The noise will affect the town. She stated that there will not only be races, they will also be practicing. She stated that people will not just stay and watch the races, they will go out on their own. She cannot sit on her porch and have peace and quiet. Even the wildlife has been frightened away by the noise. She stated that her property value will go down because very few people want to live across from a motocross track. She stated that the traffic on KY 20 is hazardous, the road is steep and winding and the gravel trucks have accidents. The road could not handle trailers loaded with motorcycles and motor homes for camping. She stated that the large crowds will require additional police at the expense of the county. She stated that many times they hear weapons discharging there at night.

Bill Remke, 5881 Snyder Lane, stated that he lives one ridge over and he hears the noise all of the time. It's terrible now and he cannot imagine what it will be like with another 100 – 150 motorcycles. He does not want this to happen in the quiet town of Petersburg. They have lived with the mines for many years and they go from 8 AM to 5 PM Monday – Friday, but when they come home at night they want to relax and enjoy the peace and quiet and that is when this “transition area” will start up and the decibels are higher than the mines. He stated that the ingress/egress is on a two-lane road. They would need a blacktopped parking lot with 200 parking spaces for cars, trucks, trailers, campers and motor homes, as well as water retention, and they do not have the room for it. They are talking about serving food and will have to have septic and water treatment and live up to the standards. He asked that the request be denied.

Rick Estes, 1648 Petersburg Road, stated that he works and takes care of his home and he does not want to listen to this noise.

Butch Wainscott, a property owner nearby, stated that Smith has the first farm on KY 20, then Ready, then his farm, and then the Stevensons. It is a big wide-open valley. The idea that sound goes up is incorrect. He invited the Commissioners

to come to his property. When the motorcycles are in action there is a sound at a high decibel level that is very unpleasant. He did not buy property there to listen to this.

Linda Arlinghaus, 2825 Lawrenceburg Ferry Road, stated that she is bothered by the noise. She stated that the applicant claims they have no erosion problems, but the pictures show a lot of open dirt there. She asked that an impact statement be obtained from the Natural Resources Conservation Service before a decision is made on the zone change.

Albert Arlinghaus, 2825 Lawrenceburg Ferry Road, stated that they own 217 acres. They live down in the valley and the noise comes down and settles in the valley. He agreed with the other speakers.

John Smarr, 6002 Petersburg Road, stated that motocross is a good sport, but he does not want it in his backyard. He stated that the request is detrimental to the people who live around the site. KY 20 is one of the most poorly maintained roads in the county for the amount of traffic on it. He is opposed to the request.

Andrea Remke, 4905 Petersburg Road, stated that she has a fifty-acre farm. She stated that Petersburg Road is two lanes from the interstate to Petersburg and it is the major way to get into Petersburg. It is full of traffic and gravel trucks. She calls the Sheriff's Department about the speeding on the road. The speed limit is 55 MPH but nobody does 55 MPH. She stated that the noise is like a billion bees. She believes people will bring coolers and beer and then there will be people on Petersburg Road who have been drinking. She stated that Petersburg is getting a community center and a library and that will be a good place for the kids to spend their time. She stated that there are individuals or organizations that would buy the property and preserve the beautiful house.

Chris Prybal, 6272 Petersburg Road, stated that the noise is oppressive. He stated that in the spring, summer, or fall on the weekend whether there is racing or not, there will be practice and they he will not be able to enjoy his home. He is opposed to the request.

Jeff Parkey, 6170 Snyder Lane, stated that his property is between the Remke property and the subject site. He can see and hear the motorcycles from his house. He can hear them inside of his house, which is a problem for his wife as she works from home during the day. He stated that every weekend from May to November it is bad. It is impossible to hunt on the front of his property anymore. He is a hunter, as are a lot of people around there, and the noise has taken that away from them. He stated that the erosion will end up in Woolper Creek. He stated that in the summer months there will be a lot of dust. He is opposed to the request.

Dale Book, 3028 Front Street, stated that the track has not opened yet but there is already so much noise that it has upset the community. It will be unbearable when the track opens and more bikes come in. He is opposed to the request because of the noise.

Chairman Caddell asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. McMillian asked if there will be different categories and sizes of motorcycle races. Mr. Amann responded that there are many different sizes from 50 cc to 400 cc. He stated that their main objective would be the smaller bikes, but they would also have some larger ones.

There being no further questions from the Commissioners, the Chairman offered the applicant an opportunity to make concluding remarks.

Mr. Amann stated that there are motorcycles in areas where they should not be, but they do not currently live at the residence and it is not an official track. Some of the motorcycles do not have anything to do with them and some of them do. He stated that when he lives on the property, he will have regulations that will be enforced. He stated that they would not have motorcycles there seven days a week. There would be fourteen races on Saturday or Sunday depending on the turn out. There would be one small motorcycle night and one large motorcycle night during the week. He stated that is there and he has no control over it at this point, but he could control it when it is officially opened. He stated that they would have twenty motorcycles at a time. People coming there now are friends of his brother. He stated that there may have been motorcycles there without mufflers because there are no regulations, but each motorcycle would be required to have a muffler. He stated that the track would not be operating day and night. There would be fourteen races a year and two nights a week during the racing time.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on February 8, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on February 15, 2006 at 7:00 PM. The Chairman closed this Public Hearing at 11:30 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibit 1 – videotape presented by Brad Amann

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
February 15, 2006
7:00 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bungler
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen
Mr. Bob Schwenke
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, AICP, Planner

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the February 1, 2006 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Wilson moved that they be approved as mailed. Mr. McMillian seconded the motion and it carried unanimously.

Chairman Caddell stated that the Commissioners received copies of the Minutes of the February 1, 2006 Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Wilson moved that they be approved as mailed. Mr. McMillian seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment and Variances

The request of Toebben Ltd. (applicant) for Toebben Ltd. (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Rural Suburban (RS) and Variances to allow the front and rear setbacks for certain proposed flag lots to be reduced from 40 feet to 10 feet, both for a 55.966 acre tract located at 2188 Rice Pike, Boone County, Kentucky. The request is for a Zoning Map Amendment and Variances to allow a subdivision for detached, single-family residences.

Chairman Caddell stated that Agenda Item #1 is recommended for deferral to the March 1, 2006 Business Meeting at 7:00 PM. Mr. Carmichael so moved. Mr. McMillian seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of Toebben Ltd. (applicant) for Toebben Ltd. (owner) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two (C-2) for 3.7 acres located at 1922 & 1932 North Bend Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow a Retail Center and uses permitted in the Commercial Two (C-2) zone.

Chairman Caddell stated that Agenda Item #1 is recommended for deferral to the March 1, 2006 Business Meeting at 7:00 PM. Mr. Bungler so moved. Mrs. Wilson seconded the motion and it carried unanimously.

3. Zoning Map Amendment and Conditional Use Permit

The request of Brad Amann and Steve Amann (applicants) for Steven W. Amann and Mary Jo Amann (owners) for a Zoning Map Amendment from Agriculture (A-1) to Recreation (R) and a Conditional Use Permit for an

approximate 40-acre lot located at 6279 Petersburg Road, Boone County, Kentucky. The request is for a zone change and a Conditional Use permit to allow an off-road motorcycle track and associated retail sales, and retail food sales.

Staff Member Mitch Light presented the Committee Report which recommended denial of the request based on the Findings of Fact (see Committee Report).

The Chairman offered the applicant the opportunity to make a summary statement.

Attorney Thomas Vergamini with Taft, Stettinius & Hollister reviewed the Committee Report. In regard to Finding of Fact #1 he stated that a lot of the comments are "should" or "could" but nothing indicates that anything will happen with respect to the mining or reclamation. In regard to Finding of Fact #2, he stated that the definition of Rural Lands (RL) in the Comprehensive Plan contemplates recreational use, which is what they are requesting. In regard to Finding of Fact #3, he stated that the permits have been issued and they have the right to mine property adjoining the Amann property, but the comments suggest "might" or "won't". In regard to Finding of Fact #4, he stated that in the comprehensive document they submitted they have addressed every item identified in Section 262. He stated that no evidence was presented that the noise would be excessive and the noise contemplated by the applicant complies with the minimum noise requirements in the Zoning Code. He stated that the Concept Development Plan that they submitted addresses all minimum requirements and many of the optional requirements.

Mr. Brad Amann stated that the mining impact on the area will increase over the years as the Vesper farm develops and efforts to conceal the mining from surrounding areas are not addressed sufficiently. He stated that the existing zoning classification is inappropriate. He stated that in 1990 when they were making a decision to purchase their home, the Planning Commission told them the I-3 zoning was on the Vesper farm and it had been there since the 1960's. He stated that the county intended that the mining not go east of KY 20 or near the cemetery. In 2002, the mining was allowed to go forward, which was against the Comprehensive Plan. He stated that their video showed that the mining has begun and is on the east side of KY 20. The mining only started in 2002, so he believes it will proceed quickly. This was unanticipated and meets the requirement for a Zoning Map Amendment. These changes will alter the basic character of the area. The last part of their video shows the mining activity from their house. The mining will be directly within site of their property and berms will not protect them. He stated that many people in the area are in favor of the track. He stated that noise emission is well within the regulations of Article 31. He stated that trespassing can be controlled with a fence. Traffic can be easily regulated. He will live on the property and the track will be well regulated. He stated that they will address the Staff Concerns in a Development Agreement that will give the Planning Commission control over what they are trying to do. He stated that their plan is a concept. They are not professional developers and do not have the money to go

into full scale water retention and stormwater plans, which is something they would do after they get the zone change. He stated that all of the concerns are in regard to the Conditional Use Permit and nothing says that the recreational zoning would not be in harmony with the area. They can address the Conditional Use Permit to be in harmony with the area.

Chairman Caddell stated that there was an article in the newspaper the day after the Public Hearing in which someone stated that the applicant felt that the Public Hearing was rushed. He stated that the Public Hearing was 65 minutes long. Mr. Amann responded that the Chairman said that it was a late hour and they could address items later. Chairman Caddell explained that some issues are discussed in more detail with the Zone Change Committee and he believes they had that opportunity. Mr. Amann responded that the Zone Change Committee did not ask anything specifically about the Staff Concerns or the concerns of the opposition -- the Zone Change Committee asked how they meet the criteria for a zone change. Mr. Vergamini agreed and stated that the Committee did not address the Staff Concerns step by step. He stated that the applicant attempted to address them briefly because the Committee Meeting is not recorded. He stated that they are open to addressing the facts so that the Planning Commission can make an informed decision. He stated that the Public Hearing was at the end of the agenda and it was late, but they deserve as much attention and consideration as any other applicant. Chairman Caddell responded that sixty-five minutes was adequate time and everyone had an opportunity to speak. Mr. Vergamini stated that it was the only time the presentation of fact and testimony is addressed and maybe sixty-five minutes was not enough. He stated that the Public Hearing was scheduled for 7:30 PM but it did not begin until 10:30 PM because the prior requests were extremely controversial and took a lot of time. He stated that they were not given sufficient time to address each and every Staff Concern. He stated that they are ready, willing and able to address any concerns at this time. He stated that a lot of the things addressed in the Staff Concerns were addressed by the opponents and they can address them in an operational agreement.

Chairman Caddell stated that he will also give the opposition an opportunity to present a summary of their position, but the Planning Commission is not here to go through the full process again. The applicant should have taken full advantage of the Zone Change Committee meeting to do that. Mr. Vergamini responded that they were not permitted to take full advantage of the Zone Change Committee. They attempted to address issues and were cautioned that it was a Committee Meeting. He stated that there was not adequate dialogue. He asked all of the Commissioners to read their report and review the video; otherwise, they cannot make an informed decision.

Chairman Caddell asked if there was anyone present who wished to make a summary statement on behalf of the opposition.

Mary Ellen Lucas, who lives directly across the road from the riding track at Prospect Hill, stated that her home is on approximately the same elevation as the track. She can see and hear the track. She is concerned about the tremendous amount of noise generated by the vehicles. She stated that there are reports from Planning & Zoning that this type of noise could not be adequately buffered. She stated that enforcement of conditions such as limiting hours and days of operation are almost impossible to enforce. Vehicles will be turning into an area within 75 feet of two blind curves.

Chairman Caddell asked Ms. Lucas to speak to what took place at the Zone Change Committee rather than restating her comments made at the Public Hearing.

Ms. Lucas stated that the things that happened at the Zone Change Committee were adequate. She stated that if a zone change is given, it cannot be rescinded.

Mr. Vergamini asked to respond. He stated that they made the point at the Committee Meeting that the Amann's have lived at this property for 18 years and until January 18, 2006 no one ever came to them and complained about the noise of a motocross vehicle or any excessive noise.

At this time, Mrs. Poston moved by resolution to Boone County Fiscal Court that the Committee Report to deny the request based on the Findings of Fact be accepted. Mr. Bunger seconded the motion.

Mr. Bunger stated that the first charge of the Zone Change Committee is to determine if the request meets the criteria and if there is a valid basis on which a zone change can be granted. That determination is made prior to hearing any other information or adding to what was presented at the Public Hearing. The Committee primarily addressed whether it was an appropriate request based on the three criteria.

Mr. Carmichael questioned what would happen to the current operation on the site if the request is denied. Counselor Wilson advised that it would be up to the Zoning Enforcement Officer to look into it and determine if the current zoning is being violated.

Mrs. Poston, Committee Chairperson, agreed with Mr. Bunger's comments. She explained that the Committee's first charge is to go through the criteria and, after doing that, they will then look at the conditional use and the requirements to grant the conditional use. However, the Committee felt that none of the criteria was met. She stated that the applicant was given an adequate hearing by the Committee.

There being no further discussion, the Chairman asked for a vote on the motion made by Mrs. Poston **and it carried unanimously.**

Counselor Wilson advised that the Planning Commission's action is a recommendation to Boone County Fiscal Court and they can accept it or override it, or they may choose to conduct their own Public Hearing.

4. Technical Design Review - **Ethan Allen
Houston Road**

Staff Member Patty Bachman presented the Design Review request for Ethan Allen, which is located on Houston Road between Panera and the Houston Office condominiums. She stated that the Site Plan on page two of the packets is not yet approved. She reviewed the building elevations on page 3. The highest point of the building is 28 feet. The building is constructed of beige brick with gray dryvet and aluminum at the top. There is a slight recess in the brick at about four feet off the ground.. There are blue fabric awnings over the windows. The roof equipment will not be visible. She stated that the proposal is for channel letters on three elevations of the building. The front elevation is 77 square feet in area and the two side elevations were modified at the Committee Meeting to 50 square feet each. The approximate five square foot sign over the door that says *Ethan Allen* will be removed. The total sign package is 177 square feet in area, not including a blue recessed neon band on the front, north and south elevations. The band is approximately one inch high and 36 feet on the front elevation.. Mr. Reynolds advised that the neon band also wraps about 4' – 6' around the side elevations. Ms. Bachman stated that the sign package is within the guidelines of the Houston-Donaldson Study. The 12 square foot monument sign is beige brick with gray metal trim and a skylight feature similar to the one in the building. The monument sign has a solid base. She stated that only the copy would be illuminated (not the panel). It is within the guidelines of the Houston-Donaldson Study and the lawsuit settlement area.

Mr. Schwenke moved to approve the Design Review request based on the Committee Report. Mr. Barlow seconded the motion.

Chairman Caddell asked if the approval is also for the location of the signs. Ms. Bachman responded that the monument sign is currently shown to be located in the sanitary sewer easement and they would need to get permission from the easement holder. The location of the sign would be discussed in detail through the Sign Permit Application process.

There being no further discussion, **the Chairman asked for a vote on the motion made by Mr. Schwenke and it carried unanimously.**

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: February 15, 2006

RE: Request of **Brad Amann and Steve Amann (applicants)** for **Steven W. Amann and Mary Jo Amann (owners)** for a Zoning Map Amendment from Agriculture (A-1) to Recreation (R), and a Conditional Use Permit, for an approximate 40 acre lot located at 6279 Petersburg Road, Boone County, Kentucky. The request is for a zone change and a Conditional Use Permit to allow an off-road motorcycle track and associated retail sales, and retail food sales.

REMARKS:

We, the Committee, recommend denial of this request based upon the following findings of fact:

Findings of Fact

1. The Applicant has not adequately demonstrated that the map amendment request is in agreement with the adopted 2005 Boone County Comprehensive Plan and its Future Land Use Map. The Land Use Element is based upon a 25 year planning horizon. The intent is to manage the location and timing of the various types of development, to assure adequate and fiscally responsible provision of infrastructure and public services in order to assure that adjoining land uses are compatible, and to assure that negative impacts to the environment are minimized. Specifically, the text states "This section of Boone County is characterized by the town of Petersburg and the western-most portion of KY 20. Much of the land is Developmentally Sensitive, undeveloped, or in agricultural uses. Petersburg could potentially be a resource for heritage tourism in the county due to its history and river heritage. The extraction of gravel along the Ohio River in this area should continue at established sites; new locations for extractive operations should be discouraged so as to allow alternative uses, such as recreational and low density residential development. This should lead to an appropriate balance of uses along Boone County's substantial river frontage, including access for recreational uses. Inactive sand and gravel extraction sites along the river should undergo the reclamation process described in the Boone County Zoning Regulations, or be converted into recreation opportunities. Development in the Petersburg area should protect the scenic characteristics of the hillsides and river plains."

The Future Land Use Map designates the site as "Rural Lands" (RL) and "Developmentally Sensitive" (DS). Neither of these designations suggest active recreation uses such as the proposed use that is more in line with the Recreation (R) Future Land Use classification. Because of these designations and the adverse impacts of this proposed use, this application is not in agreement with the adopted 2005 Boone County Comprehensive Plan.

2. The Applicant has not demonstrated that the existing zoning classification of Agriculture (A-1) is inappropriate. The site could readily support development with a variety of permitted uses under the existing zoning of Agriculture (A-1), which is compatible with the adjoining property to the south and east. Development under the Agriculture (A-1) zoning district would respect the rural character of the area. Neither has the applicant demonstrated that the requested zoning of Recreation (R) (specifically a motor cycle track) is appropriate since this site adjoins property to the north that has developed residentially and is close to the town of Petersburg which is predominately residential.

3. The Applicant has not identified any facts which would lead to a finding that there have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character nor has the Applicant provided any such facts. The adjoining mining use was approved in 2002 and the permit is valid for 12 years. The area directly adjacent to this property will be the last area disturbed and that may not even occur within the 12 year period approved with this application. The proposed mine site adjacent to this request is currently being used for agricultural purposes.
4. The Applicant has not adequately demonstrated that the conditional use permit request is in agreement with Section 262, "General Standards Applicable to All Conditional Uses," of the Boone County Zoning Regulations. Specifically, the proposed motor cycle racing track is not harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, cannot be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area. In addition, the site is not served by public water and sanitary sewer service, and the proposed use will involve activities that will be detrimental to the general welfare by reason of excessive noise created by the proposed use.
5. The Applicant did not supply the Staff, Commission or Committee with a detailed Concept Development Plan, rather the Applicant chose to use an aerial photograph showing the existing conditions on the property and where a few improvements could be made. Without this information it was difficult to determine the scale of the project, its ultimate impact on the community and whether it could meet all applicable zoning (design) requirements.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
January 18, 2006
8:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mrs. Arnett, Mr. Bunger, Mr. Caddell - Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 10:25 PM and introduced the item on the Agenda:

Applicant: Brad Amann and Steve Amann for
Steven W. Amann and Mary Jo Amann (owners)
Request: Zoning Map Amendment and Conditional Use Permit

The request of Brad Amann and Steve Amann (applicants) for Steven W. Amann and Mary Jo Amann (owners) for a Zoning Map Amendment from Agriculture (A-1) to Recreation (R) and a Conditional Use Permit for an approximate 40-acre lot located at 6279 Petersburg Road, Boone County, Kentucky. The request is for a zone change and a Conditional Use permit to allow an off-road motorcycle track and associated retail sales, and retail food sales.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Attorney Thomas Vergamini with Taft, Stettinius & Hollister, was present on behalf of the applicants and the property owners. He stated that they have submitted a Concept Development Plan with extensive text to address in detail all of the questions they anticipated and why this application should be granted. He stated that the current zoning is inappropriate and there have been significant changes to the area. On the property is one of Boone County's most historic

structures, but the land is bisected by a utility line with a 100-foot easement and it abuts the gravel mine. For those reasons, they are asking to change the zoning from Agriculture to Recreation. They will submit for the record a videotape which gives detail of what the land looks like.

Mr. Brad Amann was present on behalf of his father and himself. His mother, Mary Jo Amann, will also speak this evening. He stated that he and his father applied for the zone change and Conditional Use Permit to allow motocross racing and related retail sales of parts riders may need on race day. He stated that the current zoning is inappropriate. They have lived on the property for sixteen years and it not economically feasible to farm the land. Major changes have taken place in the area which were not anticipated and have substantially altered the basic character of the land. The mining is beginning to move to the east side of KY 20 and as it goes up Vesper Lane, it will reduce their property value and it will no longer be a residential area. His father currently lives on the site, but he and his wife and children plan to move there. He stated that maintaining the property and the historic home is expensive and the land has to make some income for them to continue to restore and maintain the house. He stated that motocross is a great family sport. Parents spend a lot of time with their children on race day. Families bring their lunch and their pets and spend the day together. Mr. Amann showed a video of a motocross track and the subject site. He stated that they will sponsor teams that will represent Prospect Hill at larger tracks. They are not looking for national or regional competition at their facility or American Motorcycle sanctioning. He stated that a track would typically start with 40 – 42 motorcycles, but they will start with twenty. They intend to have a maximum of fourteen races a year and possibly only twelve, depending on the weather. They intend to stay small. Their primary goal is to make income from the property in order to improve the property, to continue to store the house and barn on the property, and to continue to live in Petersburg. They will live on the property and will be on-site.

Chairman Caddell questioned what is currently happening on the property. Brad Amann responded that his brother lets his friends ride there. Chairman Caddell stated the track appears to be close to a commercial designation. He asked if they charge. Mr. Amann responded “no” but added that a friend may want to give them \$10 for gas to ride, but they do not make any money there. Chairman Caddell asked if it is a private club. Mr. Amann responded “no”. Chairman Caddell noted the signs on the building. Mr. Amann responded that his dad was a builder and able to do the signs. Chairman Caddell asked if Mr. Amann was saying that the site is not generating any income and it is recreational riding. Mr. Amann responded “that is correct”.

Mary Jo Amann stated that the house takes a lot of work. She stated that Steve Amann has spent most of his life preserving homes. She has been on the Advisory Task Force for the parks in Boone County. They spend their time preserving historic homes or preserving Boone County. They feel that a gravel-

road and parking would allow water to seep through, but water does not seep through asphalt and concrete. She stated that the use will be low impact and have no adverse affect on the property. They know there will be noise, but there is noise now from the gravel trucks, airplanes, and mining. This will not be a Florence Speedway. It is low key and low scale. It is the best alternative for the property since there is I-3 mining on one side of them. She stated that the Staff could not see the track from the house because it is that far back from the road. Her son and family members will be living on the farm. She stated that they are trying to preserve the barn and house. This concluded the applicant's presentation.

The Chairman asked if there was anyone present who wished to speak in favor of the request.

Mr. Bob Warren, 1542 Copper Creek Court, Florence, stated that he rides recreationally and has been competing for years. He stated that this is a sport for families, but they do not have anywhere to ride in Boone County. There is no drinking and it is a good sport to keep children out of trouble. It is something that Boone County needs. He stated that it really should not be paved and paving would be detrimental to the area. He stated that the track cannot be seen from KY 20. This is a perfect location for a track and it uses the natural terrain. He recommended that the Commissioners look at the property. The property is recreational – it is not an agricultural site and no farming is being done there.

Mr. Tim Eickoff, 1045 Apple Blossom Drive, Florence, stated that this is a family sport with mom, dad, the kids and the family dog. The use will bring money to the area. Two dealerships in the area will benefit from the track. Petersburg and the surrounding businesses would also benefit.

Ms. Dawn Spoonamore, a resident of Petersburg, stated that this is a good sport. Her boys are involved in it and go to the site. This is a good opportunity to give the kids in Boone County something else to do.

Matt Woeste, 1048 Apple Blossom, Florence, stated that there are a lot of great riders in the area. The closest place to practice is Batavia, Ohio and a lot of people go to Maysville. The track is something this area needs. He stated that the property sits up high and it is hard to even hear the bikes on the road. The tracks sits way back and is hard to find.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Ms. Theresa Darby, 6005 Petersburg Road, stated that she lives one farm away from the site. The existing vegetation is not a sound barrier and they can hear the bikes all of the time. They cannot see the track. She is concerned about safety.

She stated that KY 20 was not built for the additional traffic. There are two slide areas where the road is crumbling from the gravel trucks. The road is buckled and twisted, and there are horseshoe turns with very limited sight distance. Afternoon practices two days a week will be at the same time as the elementary school buses and the gravel trucks. She stated that the road is not built for the extra traffic and the noise will be a problem.

Mary Ellen Lucas, who lives directly across the road from Prospect Hill, stated that her house is approximately the same elevation as the track. Twice last year when she had cookouts in her yard and they ran the motorcycles, the noise was so loud that they could not have conversation in her yard. Inside her house, they could not leave the doors open and hear the television. She stated that people living three miles away hear the noise. She is concerned that there is no sewer there. She stated that last year when the track was running, they were running 30 – 40 motorcycles and they projected that if this request was granted this year, they would run 100 – 150 motorcycles. She stated that with 100 – 150 drivers, there will be 100 – 150 spectators and they are saying they will use Port-o-Lets. Her property is high enough to see the track and she can imagine seeing rows of Port-o-Lets day after day and she may be able to smell them if they are not properly maintained. Her quality of life will be ruined – and it was drastically diminished this summer. The track will run from March until November and take away all of their summertime. The roads are also an issue.

Barbara Horton, 6264 Petersburg Road, stated that her quality of life is diminished because of the sound of the motorcycles. There are no mufflers on the motorcycles. She stated that big dooleys come in pulling trailers with motorcycles on them. The traffic is constant going up and down the road. She stated that the applicant says there will be two races every month -- but how many practices will there be? When they first started, it was only going to be Saturday and Thursday, but it is now everyday and every night. She stated that they have overnight camping and they discharge high velocity firearms on the property at night. She stated that the video the applicant showed was blatant child endangerment with little children on the motocross bikes. She stated that they are also riding on the Smith property and crossing KY 20 -- they say that they are only going on the track, but the bikes can be seen coming off the Smith property onto KY 20.

Mike Smith, 2971 Homestead, stated that he owns the Smith property behind the Amann's and they are infringing on his property. He indicated on the Power Point slide that the track is right up against his property and questioned there being no setback there. He stated that the riders who are not in the race horse around. He asked if the police are going to run them off of other people's property all the time. He does not live on the property so the noise does not bother him. He purchased the property for a possible residence later in life and he does not want to live by a motorcycle track. The track will devalue his property. He stated that if the Amann's had 250 – 300 acres and put the track in the middle,

that would be different – but their property does not seem large enough for this use. He knows the land and there is not enough room for 150 cars, especially with trailers on the back. He feels that the Commissioners should visit the site.

Mr. Jerry Ready, 6161 Snyder Lane, stated that he has 160 acres that abuts the subject site. He stated that the Amann's have eroded their property and taken out 100-year old trees. He thought western Boone County was to be kept with as much farmland as possible. They have cut his fence line and he has cattle missing. The motorcycles scare his horses. He is tired of chasing his animals and having the Amann's infringe on his land. He stated that the motorcycles do not stay on 40 acres – they ride on 350 acres and it is not their land.

Sylvia Sears, 6260 Petersburg Road (across the street from the subject property), stated that she moved there five-and-a-half years ago for the rural, quiet atmosphere. The motocross bikes disturb the quiet and serene atmosphere of this area. The track would be right above the nice quiet town of Petersburg. The noise will affect the town. She stated that there will not only be races, they will also be practicing. She stated that people will not just stay and watch the races, they will go out on their own. She cannot sit on her porch and have peace and quiet. Even the wildlife has been frightened away by the noise. She stated that her property value will go down because very few people want to live across from a motocross track. She stated that the traffic on KY 20 is hazardous, the road is steep and winding and the gravel trucks have accidents. The road could not handle trailers loaded with motorcycles and motor homes for camping. She stated that the large crowds will require additional police at the expense of the county. She stated that many times they hear weapons discharging there at night.

Bill Remke, 5881 Snyder Lane, stated that he lives one ridge over and he hears the noise all of the time. It's terrible now and he cannot imagine what it will be like with another 100 – 150 motorcycles. He does not want this to happen in the quiet town of Petersburg. They have lived with the mines for many years and they go from 8 AM to 5 PM Monday – Friday, but when they come home at night they want to relax and enjoy the peace and quiet and that is when this "transition area" will start up and the decibels are higher than the mines. He stated that the ingress/egress is on a two-lane road. They would need a blacktopped parking lot with 200 parking spaces for cars, trucks, trailers, campers and motor homes, as well as water retention, and they do not have the room for it. They are talking about serving food and will have to have septic and water treatment and live up to the standards. He asked that the request be denied.

Rick Estes, 1648 Petersburg Road, stated that he works and takes care of his home and he does not want to listen to this noise.

Butch Wainscott, a property owner nearby, stated that Smith has the first farm on KY 20, then Ready, then his farm, and then the Stevensons. It is a big wide-open valley. The idea that sound goes up is incorrect. He invited the Commissioners

to come to his property. When the motorcycles are in action there is a sound at a high decibel level that is very unpleasant. He did not buy property there to listen to this.

Linda Arlinghaus, 2825 Lawrenceburg Ferry Road, stated that she is bothered by the noise. She stated that the applicant claims they have no erosion problems, but the pictures show a lot of open dirt there. She asked that an impact statement be obtained from the Natural Resources Conservation Service before a decision is made on the zone change.

Albert Arlinghaus, 2825 Lawrenceburg Ferry Road, stated that they own 217 acres. They live down in the valley and the noise comes down and settles in the valley. He agreed with the other speakers.

John Smarr, 6002 Petersburg Road, stated that motocross is a good sport, but he does not want it in his backyard. He stated that the request is detrimental to the people who live around the site. KY 20 is one of the most poorly maintained roads in the county for the amount of traffic on it. He is opposed to the request.

Andrea Remke, 4905 Petersburg Road, stated that she has a fifty-acre farm. She stated that Petersburg Road is two lanes from the interstate to Petersburg and it is the major way to get into Petersburg. It is full of traffic and gravel trucks. She calls the Sheriff's Department about the speeding on the road. The speed limit is 55 MPH but nobody does 55 MPH. She stated that the noise is like a billion bees. She believes people will bring coolers and beer and then there will be people on Petersburg Road who have been drinking. She stated that Petersburg is getting a community center and a library and that will be a good place for the kids to spend their time. She stated that there are individuals or organizations that would buy the property and preserve the beautiful house.

Chris Prybal, 6272 Petersburg Road, stated that the noise is oppressive. He stated that in the spring, summer, or fall on the weekend whether there is racing or not, there will be practice and they he will not be able to enjoy his home. He is opposed to the request.

Jeff Parkey, 6170 Snyder Lane, stated that his property is between the Remke property and the subject site. He can see and hear the motorcycles from his house. He can hear them inside of his house, which is a problem for his wife as she works from home during the day. He stated that every weekend from May to November it is bad. It is impossible to hunt on the front of his property anymore. He is a hunter, as are a lot of people around there, and the noise has taken that away from them. He stated that the erosion will end up in Woolper Creek. He stated that in the summer months there will be a lot of dust. He is opposed to the request.

Dale Book, 3028 Front Street, stated that the track has not opened yet but there is already so much noise that it has upset the community. It will be unbearable when the track opens and more bikes come in. He is opposed to the request because of the noise.

Chairman Caddell asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Commissioners.

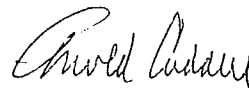
Mr. McMillian asked if there will be different categories and sizes of motorcycle races. Mr. Amann responded that there are many different sizes from 50 cc to 400 cc. He stated that their main objective would be the smaller bikes, but they would also have some larger ones.

There being no further questions from the Commissioners, the Chairman offered the applicant an opportunity to make concluding remarks.

Mr. Amann stated that there are motorcycles in areas where they should not be, but they do not currently live at the residence and it is not an official track. Some of the motorcycles do not have anything to do with them and some of them do. He stated that when he lives on the property, he will have regulations that will be enforced. He stated that they would not have motorcycles there seven days a week. There would be fourteen races on Saturday or Sunday depending on the turn out. There would be one small motorcycle night and one large motorcycle night during the week. He stated that is there and he has no control over it at this point, but he could control it when it is officially opened. He stated that they would have twenty motorcycles at a time. People coming there now are friends of his brother. He stated that there may have been motorcycles there without mufflers because there are no regulations, but each motorcycle would be required to have a muffler. He stated that the track would not be operating day and night. There would be fourteen races a year and two nights a week during the racing time.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on February 8, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on February 15, 2006 at 7:00 PM. The Chairman closed this Public Hearing at 11:30 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibit 1 – videotape presented by Brad Amann

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: February 8, 2006

RE: Request of **Brad Amann and Steve Amann (applicants)** for **Steven W. Amann and Mary Jo Amann (owners)** for a Zoning Map Amendment from Agriculture (A-1) to Recreation (R), and a Conditional Use Permit, for an approximate 40 acre lot located at 6279 Petersburg Road, Boone County, Kentucky. The request is for a zone change and a Conditional Use Permit to allow an off-road motorcycle track and associated retail sales, and retail food sales.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Amann/Petersburg Road

February 8, 2006

Susan Poston

Susan Poston, Chairwoman

For Project ____ Absent ____
 Against Project _____
 Abstain ____ Deferred ____

Randy Barlow

For Project ____ Absent _____
 Against Project ____ _____
 Abstain ____ Deferred ____

Greg Breetz

For Project ____ Absent _____
 Against Project ____ _____
 Abstain ____ Deferred ____

Kim Bunger

Kim Bunger

For Project ____ Absent ____
 Against Project _____
 Abstain ____ Deferred ____

Janet R. Kegley

Janet Kegley

For Project ____ Absent ____
 Against Project _____
 Abstain ____ Deferred ____

Charlie Reynolds (Alternate)

For Project ____ Absent ____
 Against Project ____ _____
 Abstain ____ Deferred ____

Earl White (Alternate)

For Project ____ Absent ____
 Against Project ____ _____
 Abstain ____ Deferred ____

Lisa Wilson (Alternate)

For Project ____ Absent ____
 Against Project ____ _____
 Abstain ____ Deferred ____

TOTAL: ____ DEFERRED ____ FOR PROJECT 2 ABSENT
3 AGAINST PROJECT ____ ABSTAIN

SUPPORTING INFORMATION

Transfer Tax \$
 Jerry Rouse, Clerk
 By DC

BOOK 440 PAGE 105

C O R R E C T I O N D E E D

KNOW ALL MEN BY THESE PRESENTS: THAT

JOHN RIVARD and his wife, DOLLIE B. RIVARD,

for and in consideration of TWO HUNDRED FIFTY THOUSAND and NO/100
 (\$250,000.00) DOLLARS paid to them by

STEVEN W. AMANN and his wife, MARY JO AMANN,

the receipt whereof is hereby acknowledged, do hereby bargain, sell
 and convey to

STEVEN W. AMANN and his wife, MARY JO AMANN,

jointly with the remainder in fee simple to the survivor of either of
 them, his or her heirs and assigns forever,

the following described real estate, lying and being in Boone County,
 Kentucky to-wit:

Grantee Mailing Address: 6279 Petersburg Road, Petersburg, KY 41080

Present Street Address: 6279 Petersburg Road, Petersburg, KY 41080

[NOTE: THE PURPOSE OF THIS CORRECTION DEED IS TO CORRECT AN
 INCORRECT LEGAL DESCRIPTION PREVIOUSLY FURNISHED AND AS
 RECORDED AT DEED BOOK 421, PAGE 308, OF THE BOONE COUNTY
 CLERK'S RECORDS]

GROUP NO. 2011

Located generally in Boone County Group #2011, on the South
 side of Kentucky Highway #20, 0.35 mile Southeast of Petersburg and
 described thus; BEGINNING at a spike on the intersection of the
 common line of the properties of John Rivard etal (D.B. 139 Page 449)
 and A.J. Vesper III (D.B. 207, Page 69) with the centerline of
 Kentucky Highway #20; thence with said centerline, N 46-28 E 212.0
 feet to a spike, S 87-5 E 117.0 feet to a spike, S 48-27 E 600.0 feet
 to a spike, S 56-17 E 100.0 feet to a spike and S 74-30 E 100.0 feet
 to a spike therein; thence leaving said highway and partitioning the
 property of John Rivard etal, S 2-58 W 540.5 feet to a spike at the
 West face of an 18" diameter Wild Cherry tree, S 0-58 E 286.7 feet to
 a spike in a corner post, S 30-29-30 W 742.0 feet, S 89-2 W 1079.25
 feet to a rebar in the West line of said John Rivard property; thence
 therewith, N 25-52 E 860.0 feet, N 14-23 E 546.0 feet, N 26-23 E
 151.0 feet, N 20-53 E 334.66 feet, N 58-0 W 138.6 feet to the place

BOOK 440 PAGE 106

of beginning. After land granted for right-of-way purposes to the Commonwealth of Kentucky in Highway Deed Book 1 at Page 29 (average 30 ft.) is subtracted, there remains 40.0 acres for conveyance herein.

The grantor herein reserves the right-of-use of egress and ingress to the barn which lies 30 feet South of the South line of the above described parcel. Said existing drive begins at its intersection with Kentucky Highway #20 and runs in a general Southwesterly direction along said existing drive a distance of 2705 feet to the South line of the described parcel at a point 510 feet West of the Southeast corner of the above described 40 acres tract.

The above described parcel comprises part of a tract of 290 acres more or less which was conveyed to John Rivard et al by a deed recorded in D.B. 139 at page 449, Group #2011 of the Boone County Clerk's records at Burlington, Kentucky.

This description was prepared by Noel Walton, Ky. Reg. P.E. & L.S., December 13, 1989, from surveys made by David G. Walton, Ky. Reg. P.E. & L.S.

SOURCE OF TITLE: Being a of the same property conveyed to John Rivard and Ella Mae Rivard, his wife, by Deed from John E. Berkshire and Elizabeth G. Berkshire, his wife, dated October 9, 1959, and recorded in Deed Book 139, Page 449, in the Boone County Court Clerk's records in Burlington, Kentucky. The said Ella Mae Rivard, is now deceased. By virtue of the survivorship clause contained in the foregoing Deed the said John Rivard, became the owner of the subject property in its entirety. Subsequent thereto the said John Rivard married Dollie B. Rivard.

RESERVATION OF EASEMENT: Grantors hereby expressly reserve for their exclusive use, an easement across the existing drive to serve as an easement for ingress and egress to and from the remaining property of the Grantors adjoining the subject property hereunder.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said

STEVEN W. AMANN and his wife, MARY JO AMANN,

jointly with the remainder in fee simple to the survivor of either of them, his or her heirs and assigns forever,

with covenants of General Warranty.

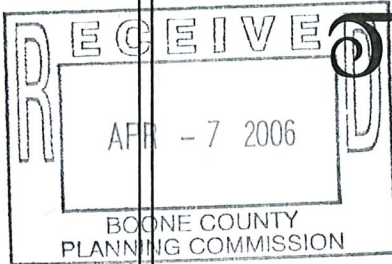
IN WITNESS WHEREOF the said

JOHN RIVARD and his wife, DOLLIE B. RIVARD,

hereunto have set their hands this 16th day of April, 1990.

Resolution Of

The Boone County Fiscal Court



Resolution No. 06-41

A RESOLUTION OF THE BOONE COUNTY FISCAL COURT DENYING THE REQUEST OF BRAD AMANN AND STEVE AMANN FOR STEVEN W. AMANN AND MARY JO AMANN (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL (A-1) TO RECREATIONAL (R) FOR A 40 ACRE TRACT LOCATED AT 6279 PETERSBURG ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agricultural (A-1) to Recreational (R) for a 40 acre tract located at 6279 Petersburg Road, Boone County, Kentucky, which is more particularly described below; and

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending denial for the Zoning Map Amendment and Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby denied, this Zoning Map Amendment being a zone change from Agricultural (A-1) to Recreational (R) for a 40 acre tract located at 6279 Petersburg Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural (A-1) zone and Conditional Use Permit is more particularly described in DEED BOOK 440, PAGE NO. 105 (as supplied by the applicant) as recorded in the Boone County Clerk's Office.

SECTION II


That as a basis for denial for this Zoning Map Amendment request are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are

hereby incorporated by reference as fully set out in the Resolution and marked as "Exhibit A."

The Committee recommended denial for this request based on the findings of fact set forth in the Committee Report and the Boone County Planning Commission Business Meeting Marked as "Exhibit B."

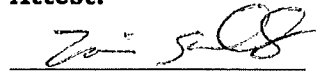
SECTION III

That this Resolution is hereby approved and adopted in Open Session of the Boone County Fiscal Court this 4th day of April, 2006.



**Gary W. Moore, Judge/Executive
Boone County Fiscal Court**

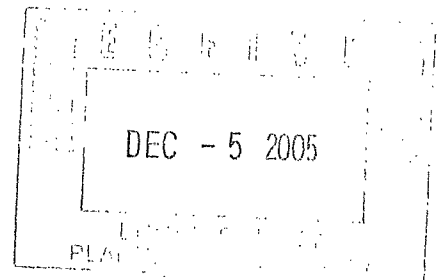
Attest:



**Louis Kelly
Fiscal Court Clerk**

PROSPECT HILL MOTOCROSS

CONCEPT DEVELOPMENT PLAN



CONCEPT DEVELOPMENT PLAN
“Prospect Hill Motocross”

Property

The real property (“Property”) that is the subject of this zoning amendment application is a 40 acre, more or less, tract of land located on State Route 20 near Petersburg, Kentucky.

Ownership

This Property has since 1990 been owned by Steve and Mary Jo Amann. Brad Amann, a joint applicant, is the son of the Property owners.

Requested Zone Change

The Property is currently zoned Agricultural “A-1.” There is no active farming or agricultural use on the Property and except occupancy of the current residence house by one of the Applicants, this land is unused except for private use of off-road motorcycles.

This application for a zoning map amendment requests a change from the current zoning of “A-1” to a recreational district (“R”) zone with a conditional use for off-road motorcycle racing (commonly referred to as “moto-cross”).

Applicant submits that this zone amendment is consistent with the Boone County Comprehensive Plan.

Rationale:

The entire western border of this Property, approximately 1900’, adjoins land that is presently zoned as industrial zone (I-3) and presently being used for gravel and sand mining and extraction. In the summer of 2005, Martin Marietta began surface mining on the east side of KY 20 at Vesper Lane. This mining is expected to and will eventually encompass most of the land now known as the Vesper Farm. The creation of a Recreational District (“R”) on the Property would serve as an ideal buffer between the land to the west zoned as I-3 zone and the surrounding land zoned A-1.

Applicants submit that this zone amendment request is consistent with the Boone County Comprehensive Plan in that it allows for more recreation zoned areas in this section of the county. New recreational uses are important because of the residential growth throughout Boone County.

Terrain

This Property consists of a ridge overlooking the Ohio River Valley basin. The Property is primarily a rolling to hilly terrain with plateau areas on the ridge tops.

The specific topography is shown on the attached document. (topography and aerial maps included).

Access to Highway

The Property abuts KY SR 20, a two-lane state highway. The Property is near Petersburg, Kentucky and is located approximately 4.9 miles west of I-275. Access to the Property is by means of a new driveway entrance off SR 20 installed in 2004. This new driveway access increased site distance issues on SR 20 and replaced the original Property access. This new driveway access is allowed through an encroachment permit authorized and approved by the Kentucky Transportation Cabinet. (copy of State Encroachment Permit and Inspection Report attached).

The driveway into the Property leads past the existing Property structures to the ridge tops where the recreational activity area is located and will be conducted.

Intended Recreational Use

Once the zoning amendment to recreational district ("R") is granted, the applicants intended use is to allow public access by membership to the Property to use this land and the existing moto-cross tracks for off-road motorcycles.

The intended use anticipates and will be permitted for off-road motorcycles only. ATV vehicles for most users (older minor children and adults) will not be allowed or permitted principally for reasons of safety. An exception to ATV vehicle use, with a small vehicle size and small engine capacity (cc 50-90), would be permitted on the smaller of the existing tracks for children 4 years to 10 years of age, who need to use these types of vehicles due to their size and physical capability restrictions.

The intended use as a moto-cross site facility is to accommodate the participants of this sport that has grown significantly over the past several years. This sport is organized and draws as participants, individuals as well as families. Sport participants range in age from as young as 4 or 5 and continues with participants well into their adult years. The sport of moto-cross is a highly skilled competitive sport which requires extreme concentration, agility, and body strength. It also requires commitment and discipline on the part of each rider.

The Applicants intend to use the existing moto-cross tracks on the Property. These tracks, of which there were two, use the natural terrain of hills and valleys, which is perfect for moto-cross. The Property has not been altered to accommodate these tracks and these tracks use the existing physical characteristics of the terrain. Drainage of water remains in existing natural flow areas and streams. There is currently no erosion or stormwater runoff caused by the lay out of the existing tracks. Allowing the use as intended is not expected to increase or cause any additional run off of stormwater drainage problems; however, soil erosion curtains or other erosion control features will be added as needed.

Existing Structures/Use

There are two houses on the property, the main house with a detached garage is used as a residence for one of the Applicants.

There is also the small house (currently used as a clubhouse). Each building has a cistern and septic system, 200 amp electrical service, and phone service. Heating for each house is an oil furnace and wood stove.

The Property also includes a large barn with 100 amp electric service and cistern, and a 14 x 14 concrete block building with electric from the barn.

We presently allow the use of the Property to private individuals to ride off-road motorcycles on tracks that we have established and laid out on the Property. We have had such good reaction to the tracks, both from parents and young riders, as well as professional riders, that we decided to apply for a zone change in order to open the tracks for use by the public, on a membership basis.

Proposed Intended Use.

The proposed zone change for this Property conforms perfectly with the Comprehensive Plan. More intense commercial development, including any further residential development of this Property, is not economically feasible given the difficult topography and general accessibility of much of the Property terrain and on the surrounding parcels of land which are developmentally sensitive (D.S.).

The intended use does not change or alter the existing terrain as further development of the Property is expected to be minimal. The existing tracks utilize the natural terrain of the hills and valleys. The Property itself is bisected by a public utility electric line easement (DB69/P43). Because of this utility easement, there is no unnecessary growth of vegetation or trees on the Property within this easement area. There will be no additional building of structures on the Property.

The existing flat pasture area along the top of the ridge (approx. 2-3 acres) is more than adequate for parking. Much of the existing fencing separates the parking and public areas from the track areas, and some additional fencing would be added.

The existing small structure and former residence (c. 900 sq. ft. with basement) located on the Property has a new 200 amperes electric service that is more than adequate for our intended use.

This smaller structure is and will continue to be used as a space in which sport participants would register and also be used for retail food and non-alcohol drink concessions and related sport concession sales. This structure will also serve as a shelter in the event of inclement weather. The basement of this smaller structure will be used for parts, tire and tube changing, and storage for maintenance equipment.

The septic system, however, is not intended for public use. Currently, with the tracks being used only for family and friends, we contract with "Got-A-Go," a Boone County company, for one portable toilet facility. When open to the public, we will use as many as they recommend for the amount of people anticipated. These are cleaned and sanitized weekly to assure a safe and healthy environment.

Use Issues

Once the zone change is granted the Applicants intend to address the following use issues:

- A. **Trash and Refuse.** Trash and refuse will be handled by 55 gallon drums placed about every 200 feet along the fence lines. This is consistent with other similar operations of this type. One on-site dumpster will be used to place trash and refuse until it is taken away by a commercial waste hauler on a weekly basis.
- B. **Noise Abatement.** Several factors are in place that will minimize and reduce engine noise that may result from the use of the moto-cross tracks. The track facilities will be open for use only from March 1 through November 30, weather permitting. During this time existing vegetative foliage on trees and bushes will buffer sound. The track facilities will not be used during winter months.

To further minimize sound from the motorcycle vehicles, each motorcycle is equipped with a functioning silencer. This equipment will be checked for each vehicle prior to use on these tracks. By taking advantage of existing terrain features in track design, with the use of hillsides and valleys, as well as the trees surrounding the tracks, assists in buffering noise to surrounding property, all of which is sparsely populated.

- C. **Class of Vehicles.** There will be no more than 20 motorcycles in each race, most classes will not have that many. More than half of the classes are small bikes (50cc-85cc) which are very quiet.
- D. **Conditions of Use.** Conditions for racing are best when the dirt is wet. We have purchased a water truck and will design a watering system to accomplish this, therefore, excessive emission of dust will not be a problem.
- E. **Access to Property.** The private gravel driveway from KY 20 to the track area will be improved. It is not possible, due to the terrain, to make the entire driveway 2 lanes. We will add a second lane wherever possible. (Drawing enclosed.)
- F. **Signage.** A 3' x 5' sign would be placed on the Property along SR 20 to identify the facility.

- G. **Safety, Emergency Response.** The track design maximizes the safety of the riders, but, like other sports, there is a risk of injury. We will have at least 2 EMTs at every race, and the Petersburg ambulance is less than 1 mile away. All riders will be required to have a membership which includes signing waivers for adult and under 18 riders. Additionally, every spectator must sign a liability waiver upon entry. (Copies attached. See back.)
- H. **Proposed Events.** Racing will normally be 2 weekends per month during Daylight Savings Time only. Tracks do not open until 9:00 a.m. and close before dark. These races should attract 150-200 riders, as well as 100-150 spectators. We anticipate 100-150 vehicles. Registration is between 7-9 a.m. Saturday or Sunday, so most vehicles will use KY 20 at or before these hours. Racing normally takes 6-8 hours, and is divided into many different classes, decided by age, bike size, skill level, etc. (approximately 20 classes). Pick-up trucks, vans, some with trailers, and some motor-homes are used to transport riders, bikes, and spectators to the tracks. The effect on KY 20 traffic will be minimal because all riders must be at the track before 9:00 a.m. Saturday or Sunday only for registration. Riders usually leave the track after their class is finished, so traffic leaving will be spread over 4 hours in the afternoon or early evening. There will be no racing on weekdays when the gravel pits are open and dump truck traffic is very heavy on SR 20. We plan to be open 1 or 2 weekday evenings for practice from 4-9 p.m. This usually attracts approximately 30-40 vehicles. Since the facility will not be open in the winter months, the poor conditions on KY 20 in the winter will not be an issue.
- I. **Rationale For Zone Change.** The popularity of off-road motorcycles continues to grow every year. One example of this popularity is the success in sales of motorcycles in Boone County by Honda of Florence and Richwood Powersports.

With continued development of increasing amounts of farmland into residential subdivisions, there are fewer places in Boone County that allow owners to use these types of motorized bikes. Parents, children, teenagers and adults need a place that is legal, safe, supervised, and a controlled environment.


This facility will attract not only Boone County residents, but prove to be beneficial to tourism by attracting similar sports enthusiasts and riders from surrounding states and counties. These people will be using existing commercial services, such as the gas stations and restaurants in Hebron as well as the grocery store in Petersburg, all of which is expected to add economic value to the community.

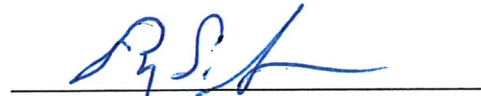
Riders and parents of riders encompass a wide range of occupations, from business owners, pilots, policemen, to blue collar workers and bankers. Three new tracks have recently opened south of Boone County (Trimble Co., Owen Co., and Gallatin Co.).

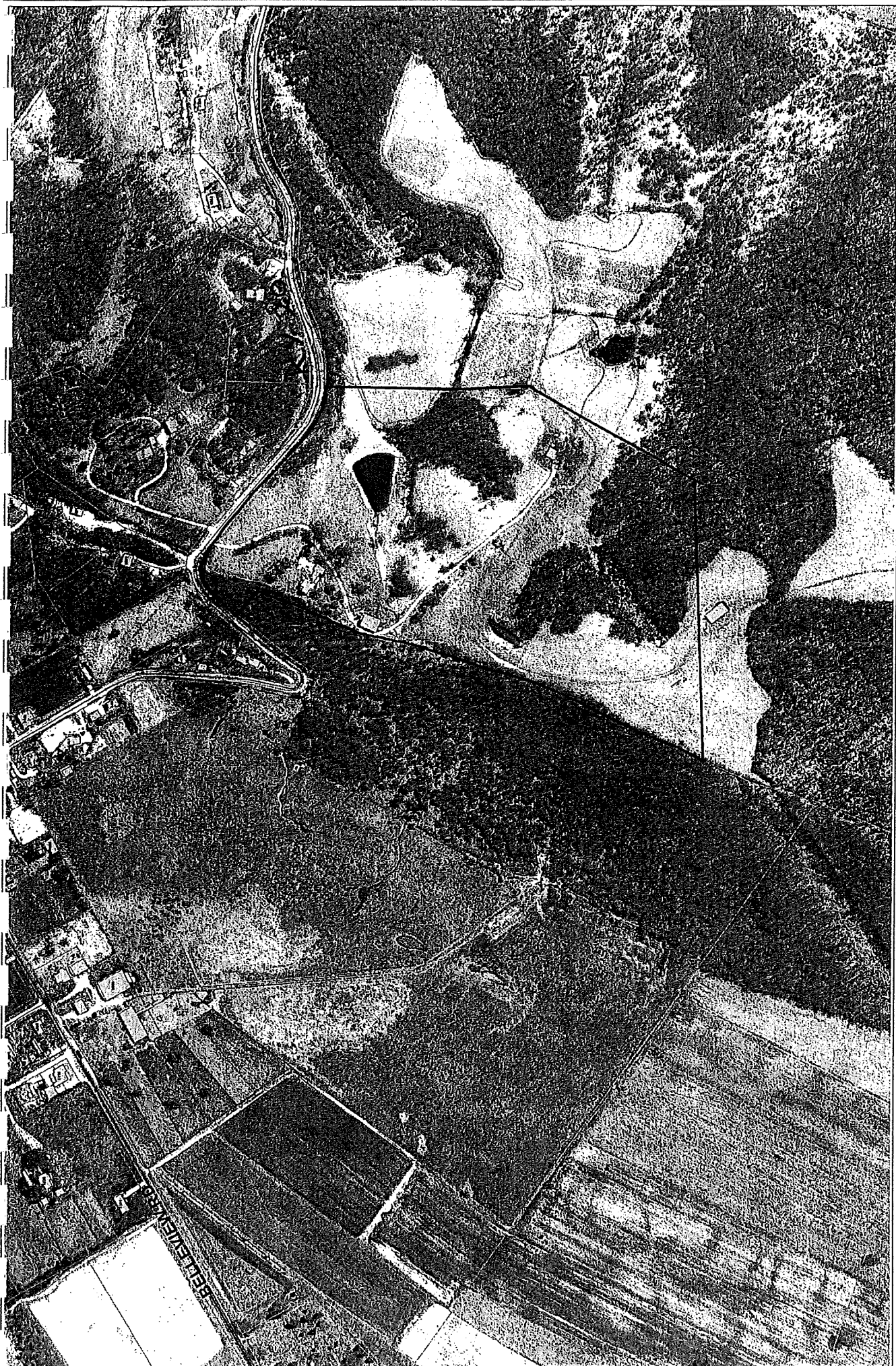
- J. **Conditional Use Permit.** The Applicants request for Conditional Use Permit is essential to the success of this project. Families that will use our facility will enjoy the park-like, country setting, but the amateur competition is the main reason they will be here. This sport that is shared by parents and children, through their teenage years and into their twenties, is a proven way to help bond families together. The riders are committed to their sport, and drugs and alcohol are not part of a competitive rider's life. Even though the sport is competitive, riders and their families build friendships with each other that can last a lifetime.

For these reasons we request approval of this application.

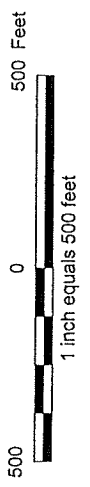
Applicants:


Steven Amann

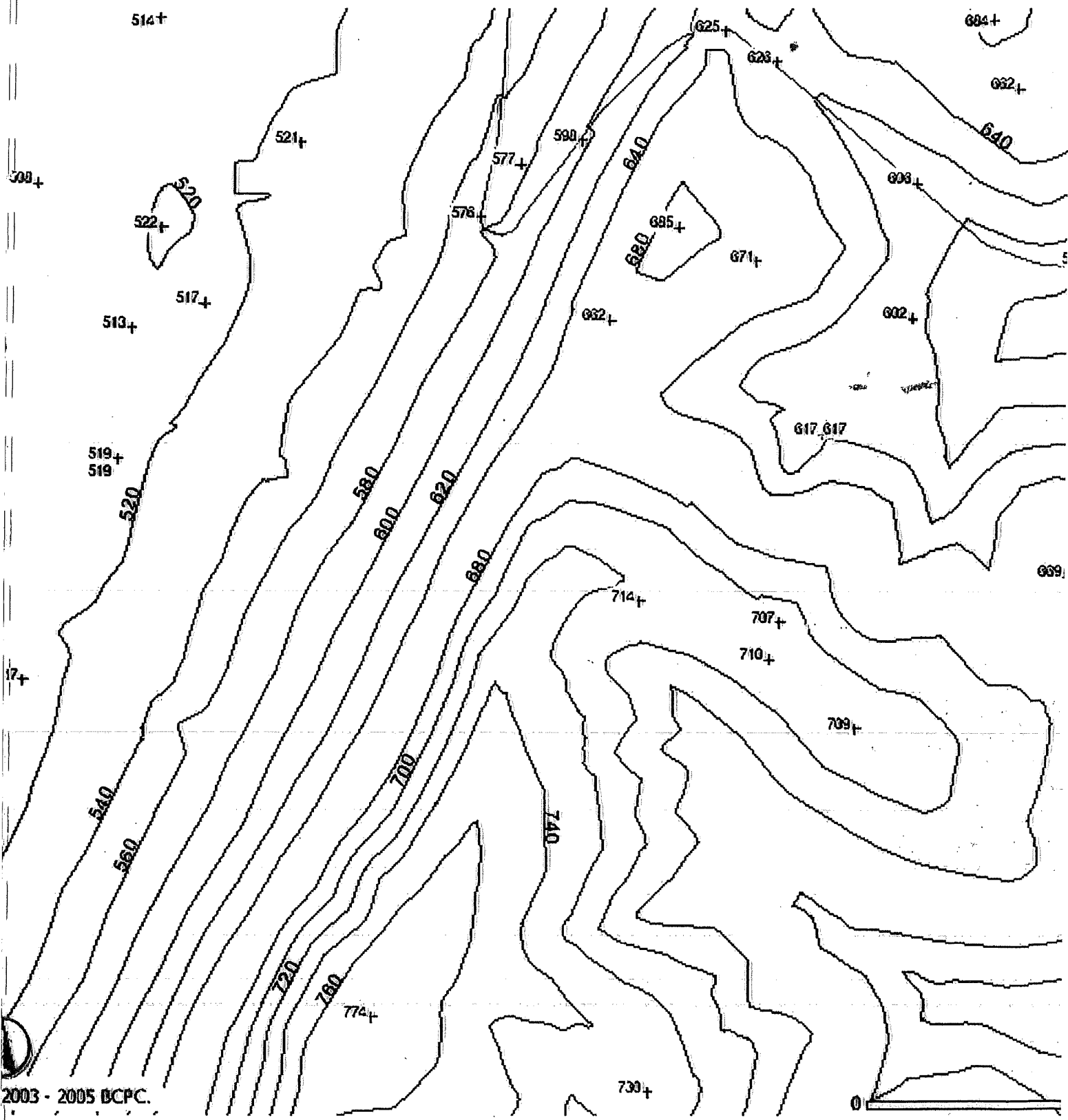

Brad Amann



Produced by the
Boone County GIS
November 16, 2005



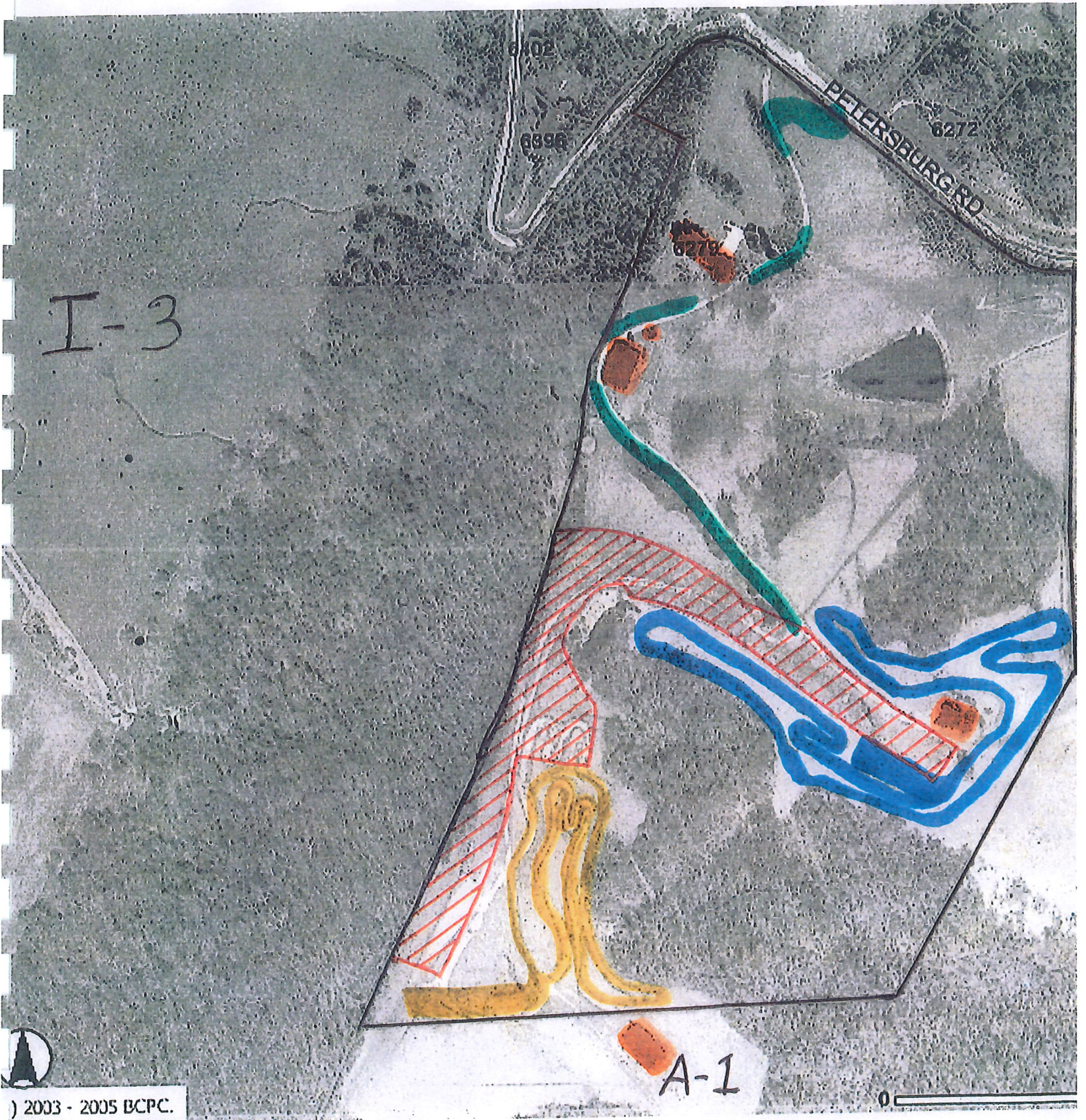
6279 PETERSBURG RD



2003 - 2005 BCPC.



PROPOSED



2003 - 2005 BCPC.

EXISTING BUILDINGS



2ND LANE AT DRIVEWAY



PARKING



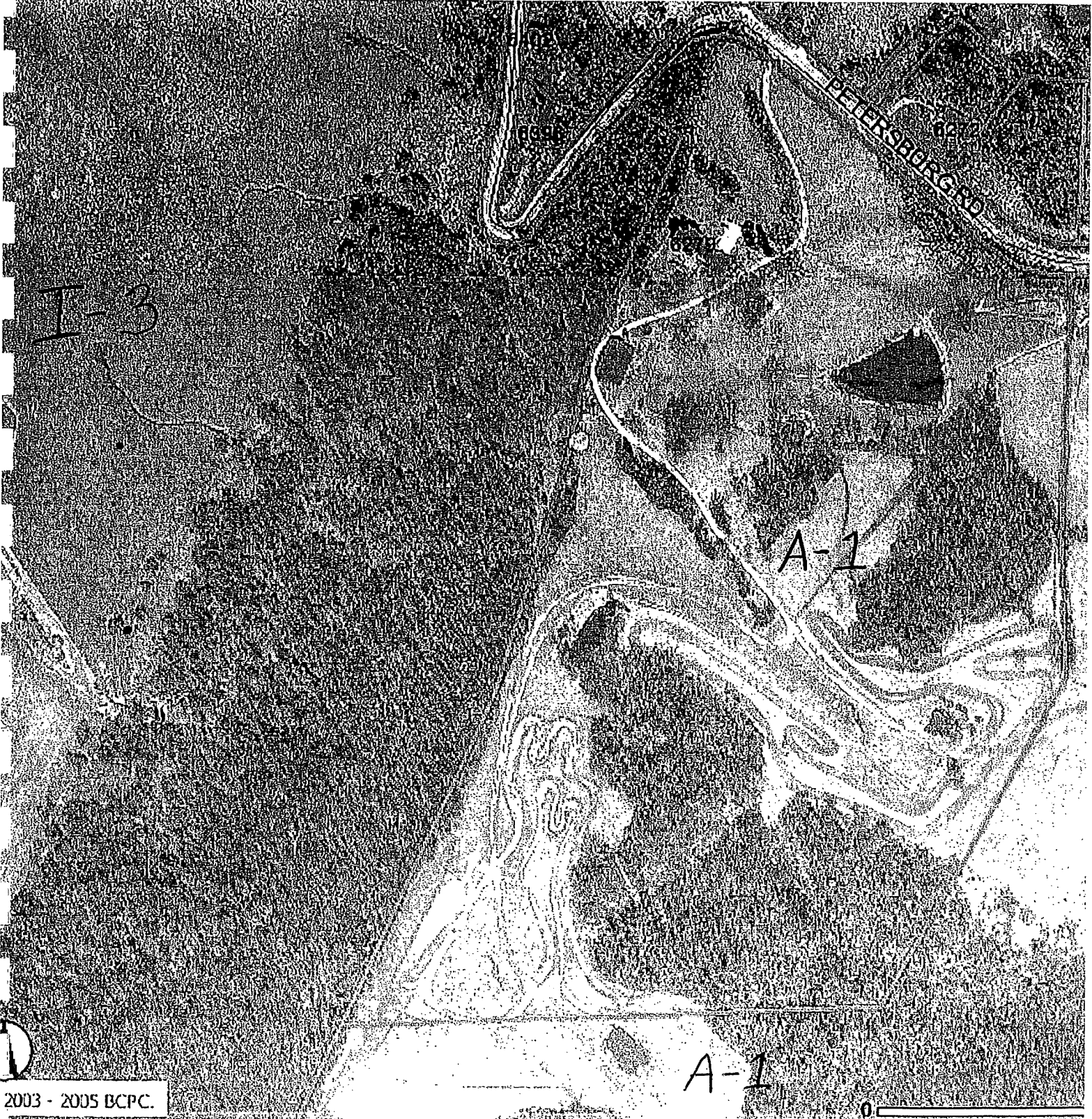
MAIN TRACK



SMALL TRACK



EXISTING





ERNIE FLETCHER
GOVERNOR

KENTUCKY TRANSPORTATION CABINET
Department of Highways, District Six
421 Buttermilk Pike, P.O. Box 17130
Covington, Kentucky 41017
859/341-2700 (Fax) 859/341-3661
WWW.KENTUCKY.GOV

MAXWELL C. BAILEY
SECRETARY

June 3, 2004

SUBJECT: ENCROACHMENT PERMIT APPROVAL

Dear Applicant:

Attached is your application for a permit, which has been approved by the Department of Highways. A copy of this permit should be available on the Job site at all times.

Please review all attachments and see that the work is done in conformity with the permit and approved plans and all attachments.

Please note that the traveled way and shoulders must be kept free from mud and other debris at all times during construction. Failure to abide by this may result in your permit being revoked.

Traffic control must be in place prior to beginning work and continue in place until completion of the project including final restoration.

Final restoration is to be completed promptly upon completion of the work within the right of way. The indemnity can not be released until the right of way has been restored to the original condition.

If you have any questions please notify this office.

Sincerely

Samuel Beverage, P. E.
CHIEF DISTRICT ENGINEER


William F. Madden, P. E.
TEBM FOR TRAFFIC

WFM/dlt
Attachments

Released Date _____

ENCROACHMENT PERMIT

P.E.
 PERMIT NO. 06-0400-04P

<p>APPLICANT IDENTIFICATION: NAME: <u>Steve Amann</u> CONTACT PERSON: _____ ADDRESS: <u>6279 Petersburg Rd P.O. Box 2</u> CITY: <u>Petersburg</u> STATE: <u>Ky</u> ZIP CODE: <u>41080</u> PHONE: area code (<u>0</u>) <u>689-7292</u></p>	<p>PROJECT IDENTIFICATION: ACCESS CONTROL: <input checked="" type="checkbox"/> By Permit <input type="checkbox"/> Partial <input type="checkbox"/> Full COUNTY: <u>BOONE</u> PRIORITY ROUTE NO: <u>KY 20</u> MILEPOINT: <u>6.92</u> <input checked="" type="checkbox"/> Left <input checked="" type="checkbox"/> Right <input type="checkbox"/> X-ing PROJECT STATUS: <input checked="" type="checkbox"/> Maint. <input type="checkbox"/> Const. <input type="checkbox"/> Design PROJECT # STATE: <u>MP-008-0020</u> PROJECT # FEDERAL: _____ ROAD/STREET NAME: <u>Petersburg Road</u></p>
--	--

TYPE OF ENCROACHMENT:

COMMERCIAL ENTRANCE - BUSINESS _____

PRIVATE ENTRANCE: Single Family Farm

UTILITY: Overhead Underground

GRADE: Fill Landscape on R/W

AIRSPACE: Agreement Lease

OTHER: (Specify) _____

TYPE OF INDEMNITY: Bond Cash

SELF-INSURED AMOUNT ENCUMBERED \$ _____

OTHER _____

NAME AND ADDRESS OF LOCAL INSURANCE AGENCY OR SELF-INSURED REPRESENTATIVE:

ATTACHMENTS:

Standard Drawings (List on TC 99-21 under Misc.)

Applicant's Plans

Highway Plan and Profile Sheets

TC 99-3 (Ponding Encroachment Specs. and Conditions)

TC 99-4 (Rest Area Usage Specs. and Conditions)

TC 99-5 (Tree Cutting/Trimming Specs. and Conditions)

TC 99-6 (Chemical Use of Specs. and Conditions)

TC 99-10 (Typical Highway Boring Crossing Detail)

TC 99-12 (Overhead Utility Encroachment Diagram)

TC 99-13 (Surface Restoration Methods)

TC 99-21 (Encroachment Permit General Notes and Specs.)

TC 99-22 (Agreement for Services to be Performed)

TC 99-23 (Mass Transit Shelter Specs. and Conditions)

Other Attachments (Specify): _____

ON SITE INSPECTION DATA. DRIVEWAY PROFILE CONTROLS

INDEMNITY: The applicant, in order to secure this obligation, has deposited with the Transportation Cabinet as a guarantee of conformance with the Department's Encroachment Permit requirements, an indemnity in the amount of \$ _____ as determined by the Department. It shall be the responsibility of the applicant or permittee, his heirs and assignees to keep all indemnities in full force until construction or reconstruction has been completed and duly accepted by an authorized agent of the Transportation Cabinet, Department of Highways.

BRIEF DESCRIPTION OF WORK TO BE DONE.

X APPLICANT TO PROVIDE 24 FT. OF 15" C.M. P.

___ PIPE INSTALLED BY STATE PERSONNEL

___ NO PIPE REQUIRED.

IMPORTANT (PLEASE READ): Applicant does does not intend to apply for excess R/W.

When the work is completed in accordance with the terms of this encroachment permit, your indemnity will be released. However, the permit is effective until revoked by the Transportation Cabinet and the terms on the permit accompanying permit documents and drawings remain in effect as long as the encroachment exists. **FUTURE MAINTENANCE OF THE ENCROACHMENT IS THE RESPONSIBILITY OF THE PERMITEE.** It is important that you understand the requirements of this encroachment permit application and accompanying documents. If you have not done so, it is suggested that you review these documents and place the permit package in a safe place for future reference.

A copy of this permit and all documents shall be given to your contractor and shall be readily available at the work site for the encroachment permit inspector to review at all times. Failure to meet this requirement may result in cancellation of this permit.

PRIVATE ENTRANCE INSPECTION DATA

Steve Mann 6279 Petersburg Road 689-7292
Applicants Name Address Telephone number

LOCATION OF ENTRANCE: Boone Ky 20 6.92
County Route Milepoint

DATE OF INSPECTION: 5-21-04

INSPECTION DATA

HORIZONTAL CURVE: YES NO
VERTICAL CURVE: YES NO
DRAINAGE: OK NEEDS REVIEW
ENTRANCE PIPE NEEDED: YES NO

IF SO, LENGTH & DIAMETER 20 FT. OF 15 INCH PIPE

"MINIMUM STOPPING DISTANCE"

<u>SPEED (M.P.H.)</u>	<u>DISTANCE (FT.)</u>
30	264
35	308
40	352
45	396
50	440
55	484
60	528

ACTUAL MEASURED SIGHT DISTANCE 300 FT. BACK & 484 + FT. AHEAD

REMARKS: MOVING ENTRANCE 55 FEET OF TELEPHONE POLE.

THERE IS A 15 MPH ADVISORY SIGN GOING AROUND CURVES.
MAXIMUM OPERATING SPEED IS 25 MPH. TIMING THE TRAFFIC
FLOW I RECEIVED OVER THE REQUIRE TIME OF 6
SECONDS.

RECOMMEND APPROVAL: YES NO

INSPECTED BY: Mark R. Bean

**PROSPECT HILL MX PARK - 2004
MEMBERSHIP APPLICATION**

**Prospect Hill Farm
6279 Petersburg Road
Petersburg, Kentucky 41080**

Member No.: 75

Date: 7-11-04

I apply for membership to Prospect Hill Mx Park. I agree to abide by the posted rules and understand that violation of the rules may cause my membership to be revoked with loss of membership fee.

IN CONSIDERATION of being permitted to enter Prospect Hill Farm for any purpose or being permitted to compete, practice, officiate, observe, work for, or for any purpose participate in any way in the activities, each of the undersigned, for himself, his minor children, his personal representatives, heirs, and next of kin, acknowledges, agrees and represents that he has, or will immediately upon entering premises, and will continuously thereafter, inspect the premises and all portions thereof which he enters and with which he comes in contact, and he does further warrant that his entry upon these areas and his participation, if any, in any activity constitutes an acknowledgment that he has inspected such areas and that he finds and accepts the same as being safe and reasonably suited for the purposes of his use, and he further agrees and warrants that if, at any time, he is in or about any areas and he feels anything to be unsafe, he will immediately advise the owners or officials of such and will leave the area.

HEREBY RELEASES, WAIVES, DISCHARGE SAND COVENANTS NOT TO SUE the owners, STEVE and MARY JO AMANN, FARM BUREAU INSURANCE CO., promoters, participants, sponsors, advertisers, and anyone associated with Prospect Hill Farm, all for the purposes herein referred to as "Releasees", from all liability to the undersigned, his personal representatives, assigns, heirs, and next of kin for any and all loss or damage, or any claim or demands therefore on account of injury to the person or property or resulting in death of the undersigned, or his minor children, whether caused by the negligence of the Releasees or otherwise while the undersigned or his minor children are in or upon the premises and/or competing, practicing, officiating in, observing, working for, or for any purpose participating in the activity.

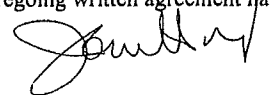
HEREBY AGREES TO INDEMNIFY AND SAVE AND HOLD HARMLESS the Releasees and each of them from any loss, liability, damage, or cost they may incur due to the presence of the undersigned or his minor children, in or upon any area or in any way competing, practicing, officiating, observing, or working for, or for any purpose participating in the activity whether caused by the negligence of the Releasees or otherwise.

HEREBY ASSUMES FULL RESPONSIBILITY FOR AND RISK OF BODILY INJURY, DEATH OR PROPERTY DAMAGE to himself or his minor children, due to the negligence of Releasees or otherwise while in or upon any area and/or while competing, practicing, officiating, observing or working for or for any purpose participating in the activity.

EACH OF THE UNDERSIGNED expressly acknowledges and agrees that the activities are very dangerous and involve the risk of serious injury and/or death and/or property damage. Each of the undersigned further expressly agrees that the foregoing Release and Waiver of Liability and Indemnity Agreement is intended to be as broad and inclusive as is permitted by Kentucky law and if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

The undersigned has read and voluntarily signs the Release and Waiver of Liability and Indemnity Agreement, and further agrees that no oral representations, statements, or inducement apart from the foregoing written agreement have been made.

I sign this Agreement on my own behalf and on behalf of my minor children.



Signature of Applicant

Printed Name of Applicant

<p>PROSPECT HILL MX PARK 2004</p> <p>Member No.: <u>75</u> Date: <u>7-11-04</u></p> <p><u>Tyler Thornberry</u> Print Name</p>	<p>I HAVE READ AND SIGNED THE RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT.</p> <p><u>Tyler Thornberry</u> Signature of Applicant</p>
--	--

READ CAREFULLY - THIS IS A RELEASE

MINOR RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT

**PROSPECT HILL FARM
6279 PETERSBURG ROAD
PETERSBURG, KENTUCKY 41080**

Member # _____

Date _____

IN CONSIDERATION of my minor child ("the Minor") being permitted to enter Prospect Hill Farm for any purpose and/or to participate in any activity, I agree:

1. I know the nature of the activities and the Minor's experience and capabilities, and believe the Minor to be qualified to participate in these activities. I will inspect the premises, facilities and equipment to be used or which the Minor may come in contact. If I, or the Minor, believe anything to be unsafe, I will immediately instruct the Minor to leave the area and refuse to participate further in the activity.

2. I fully understand and will instruct the Minor that: (a) The activities are very dangerous and participation involves risks and dangers of serious bodily injury, including permanent disability, paralysis, and death ("Risks"); (b) these Risks and dangers may be caused by the Minor's own actions, or inactions, the actions or inactions of other participants, the rules, the condition and layout of the premises and equipment, or the negligence of the "Releasees" named below; (c) there may be other Risks not known to me or that are not readily foreseeable at this time; (d) the social and economic losses and/or damages that could result from those Risks could be severe and could permanently change the Minor's future.

3. I consent to the Minor's participation in all activities and hereby accept and assume all such Risks, known and unknown, and assume all responsibility for the losses, costs, and/or damages following such injury, disability, paralysis, or death, even if caused in whole or in part, by the negligence of the "Releasees" named below.

4. I hereby release, discharge, and covenant not to sue STEVE AMANN and MARY JO AMANN, owners, FARM BUREAU INSURANCE CO., promoters, participants, officials, sponsors, advertisers, or anyone associated with Prospect Hill Farm, consultants and other persons or entities who give recommendations, directions, or instructions regarding the premises or activity and each of them, their directors, officers, agents and employees, all for the purposes herein referred to as "Releasees", from all liability to me, the Minor, my and the Minor's personal representatives, assigns, heirs, and next of kin, for any and all claims, demands, losses, or damages on account of any injury, including, but not limited to, death or damage to property, caused or alleged to be caused in whole or in part by the negligence of the "Releasees" or otherwise.

5. If, despite this release, I, the Minor or anyone on the Minor's behalf makes a claim against the "Releasees" named above, I agree to indemnify, save and hold harmless the "Releasees" and each of them from any litigation expenses, attorney fees, loss, liability, damage or cost they may incur due to the claim made against any of the "Releasees" named above, whether the claim is based on the negligence of the "Releasees" or otherwise.

6. I sign this Agreement on my own behalf and on behalf of the Minor.

I HAVE READ THIS PARENTAL CONSENT, RELEASE AND WAIVER OF LIABILITY, ASSUMPTION OF RISK, AND INDEMNITY AGREEMENT, UNDERSTAND THAT BY SIGNING IT I GIVE UP SUBSTANTIAL RIGHTS I AND/OR THE MINOR WOULD OTHERWISE HAVE TO RECOVER DAMAGES FOR LOSSES OCCASIONED BY THE RELEASEES' FAULT, AND SIGN IT VOLUNTARILY AND WITHOUT INDUCEMENT.

FATHER OR GUARDIAN (PRINT + SIGN NAME)

NAME OF PARTICIPANT (PRINT)

MOTHER OR GUARDIAN (PRINT + SIGN NAME)

WITNESS

STREET

CITY

STATE

ZIP

PLEASE SIGN MINOR'S ASSUMPTION OF RISK FORM ON BACK

MINOR'S ASSUMPTION OF RISK ACKNOWLEDGMENT

**PROSPECT HILL FARM
6279 PETERSBURG ROAD
PETERSBURG, KENTUCKY 41080**

Member # _____

Date _____

I have obtained my parent's consent to participate in the above Event(s). I understand that I am assuming all of the Risks if I get hurt during the Event(s) and I state the following:

1. Both my parents and I believe I am qualified to participate in the Event(s). I will inspect the permissions and equipment and if, at any time, I feel anything to be unsafe, I will immediately leave and refuse to participate further in the Event(s).

2. I understand that the ACTIVITIES OF THE EVENT ARE VERY DANGEROUS AND INVOLVE RISKS AND DANGERS OF MY BEING SERIOUSLY INJURED OR HURT, MY BEING PARALYZED OR KILLED.

3. I know that these Risks and dangers may be caused by my own actions or inactions, the actions or inactions of others participating in the Event(s), the rules of the Event(s), the condition and layout of the premises and equipment, or the negligence of others, including those persons responsible for conducting the Event(s).

I HAVE READ THE ABOVE ASSUMPTION OF RISK ACKNOWLEDGMENT, UNDERSTAND WHAT I HAVE READ, AND SIGN IT VOLUNTARILY.

SIGNATURE OF MINOR PARTICIPANT

DATE

PRINTED NAME OF MINOR PARTICIPANT

AGE

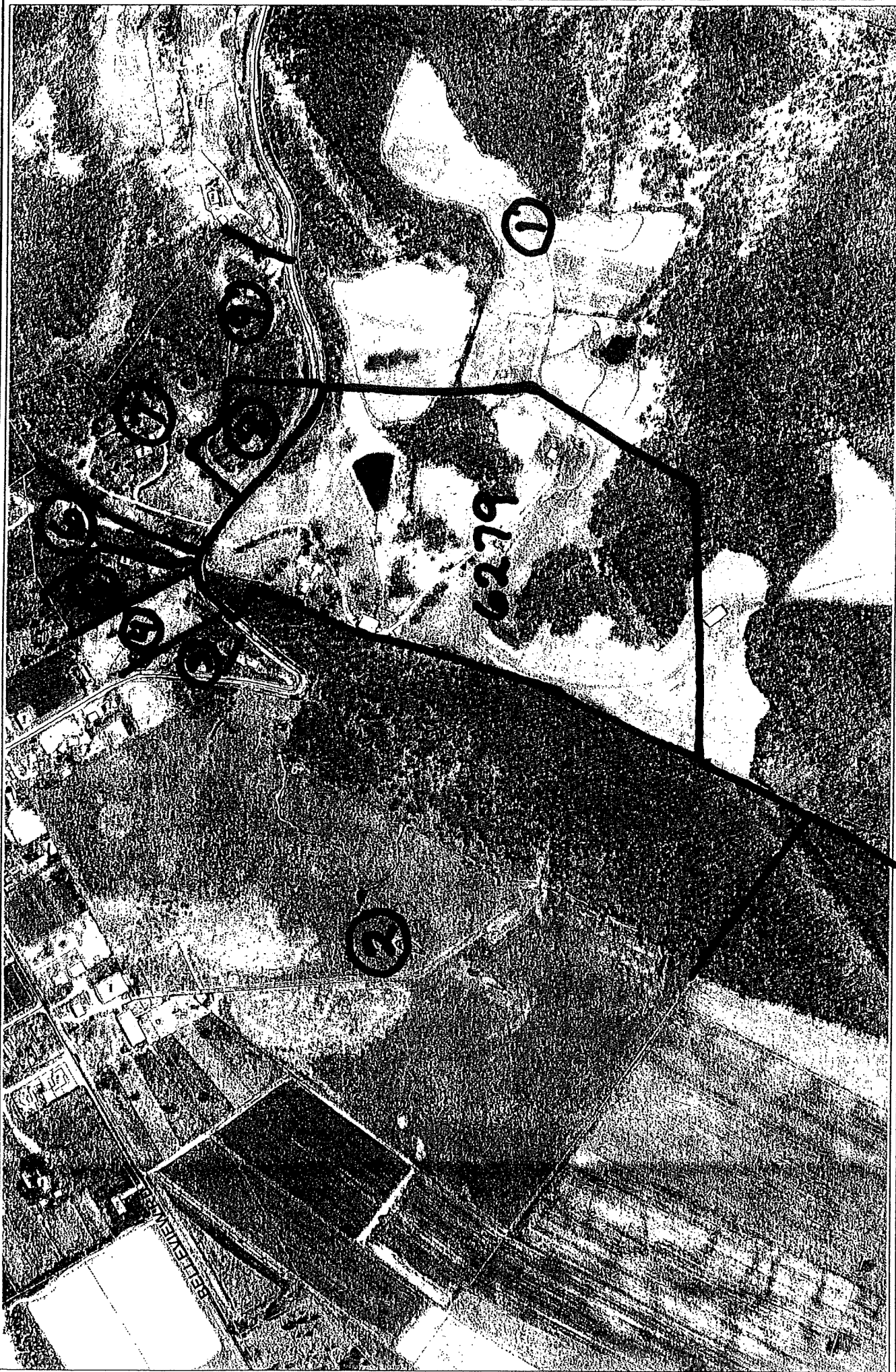
WITNESS

PRINTED NAME OF WITNESS

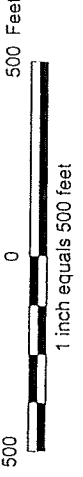
**Addresses of Adjoining Property Owners
To
6279 Petersburg Rd., Petersburg, KY 41080**

1. Smith, Charles Michael
2971 Homestead Dr.
Edgewood, KY 41017
2. Vesper, A.J. III, R. J. Vesper
Additional Owner: Paul Vesper, Stephen Vesper, Dennis Vesper
709 St. Joseph Lane
Covington, KY 41011
3. Mcguire, Steven R.
6396 Petersburg Road
Petersburg, KY 41080
3-A McGuire, Donald (Lot 1 – Not Adjoining)
4. Birkle, Theodore Jr.
Additional Owner: Patty A. Trust
P.O. Box 6
2935 Front Street
Petersburg, KY 41080
5. Zembrodt, John M. and Constance M.
6292 Petersburg Road
Petersburg, KY 41080
6. Robinson, Luther Robinson
Additional Owner: Rath A. Robinson
5829 Vesper Lane
Petersburg, KY 41080
7. Lucas, Mary Ellen
6278 Petersburg Road
Petersburg, KY 41080
8. Brandi Ann Steinstrom and Christopher John Pyrbal
6272 Petersburg Road
Petersburg, KY 41080
9. Horton, James S.
P.O. Box 44
Petersburg, KY 41080
Not Adjoining

The attached diagram conforms with the numbers shown above.



Produced by the
Boone County GIS
November 16, 2005



6279 PETERSBURG RD