



MSD

July 31, 2001

Kentucky Smart Growth Task Force
Governor's Office
700 Capital Avenue
Frankfort, KY 40601

Re: Recommendations for Consideration of the Task Force

Dear Task Force Members:

The Louisville and Jefferson County Metropolitan Sewer District (MSD) is a regional utility providing services to the City of Louisville, unincorporated Jefferson County and over 90 suburban cities in Jefferson County. Our primary services include:

- Wastewater Collection and Treatment
- Stormwater Drainage and Flood Control
- Floodplain/FEMA Flood Insurance Program Management
- Hazardous Materials Spill Response and Management
- Geographic Information System Services

Many of our services relate to public infrastructure planning, design, construction, maintenance and development regulation. We are closely aligned with the City of Louisville and Jefferson County governments and the Louisville and Jefferson County Planning Commission. MSD has policies and procedures that support the Comprehensive Plan and smart growth.

Without belaboring the facts, MSD has spent more than \$500,000,000 in the past ten years addressing infrastructure deficiencies related to poor or misaligned planning and zoning policies. (An additional \$100,000,000.00 has been spent to provide for future growth.) These poor growth management policies have included the following consequences:

- Tens of thousands of small lot homes with failed small septic systems (public health, polluted streams, odor).
- Hundreds of poorly performing package wastewater treatment plants (polluted streams; public health; odor).

- Over 22,000 homes and businesses built in floodplains (public health and safety, property damage due to flooding; negative impacts on economic development; mandatory flood insurance costs).
- Inadequate neighborhood drainage systems (property damage due to flooding; related nuisance problems from standing water, mosquitoes and public health).
- Inadequate provisions for sediment and erosion control (water quality; reduced carrying capacity within drainage ways, nuisance problems for downstream properties).
- Inadequate wastewater treatment capacity to support economic development (properties unable to develop; over-capacity treatment plants performing poorly).
- Wet weather problems with old sewers resulting in basement backups from sanitary sewer system and overflows to streams (property damage; health and safety issues).

Based on reports from the Kentucky Environmental Quality Commission (EQC), these same problems plague almost every city and county in Kentucky to a greater or lesser degree. Local government and planning commission policies supported by MSD, have been adopted in Louisville and Jefferson County and put in place to address many of the poor growth management practices of the past that resulted in the bad outcomes cited above. These include the huge MSD investments in replacing/repairing/building adequate infrastructure.

In my opinion, it has been even more important that stronger policies regulating new development and redevelopment have been put in place to prevent future problems. Preventing future problems is the foundation of smart growth. These policies and programs include:

- Coordinated sewer policy between MSD, the Planning Commission, the Jefferson County Health Department and State Division of Water (i.e. development on public sewers only, unless the lots in question have five acres or more; no new small-acreage septic systems allowed).
- Drainage system plan review and inspection prior to new development to prevent damage to downstream properties.
- Participation in FEMA Flood Insurance Program (with 20% discount due to good local policies).

- Greenways/Floodplain Management Plans that protect local streams (including buffer requirements) and prevent the construction of new homes and businesses in locations that will flood.
- Coordinated watershed planning for sewer and drainage infrastructure that provides for responsible future development.
- Recently approved Sediment and Erosion Control Ordinance.

MSD has been able to articulate some basic principles for smart growth policies that should be reinforced statewide. Regionalization and regional issues have become critical to Kentucky's future economic development. Regional planning and coordination it is very, very important to the future growth of the Louisville metropolitan area. Without responsible regional planning, infrastructure investments and appropriate regulation, we will only repeat the mistakes of the past which always cost much, much more to fix in the future, usually at public expense.

This coordinated approach will be especially necessary as the Governor realizes his goal of extending public water service to all Kentuckians.

Our recommendations for the Smart Growth Task Force include the following:


1. Kentucky should adopt and encourage policies that support and require development to occur only where adequate infrastructure is in place or will be provided as part of the proposed development (roads; sewers; drainage; protection of streams and critical natural resources).
2. Kentucky should adopt and encourage planning and zoning statewide including policies and regulations that protect nearby properties and the natural environment from off site impacts of new development (increased stormwater runoff; mud and debris from erosion and poor construction site management; downstream impacts of straight pipe discharges of sewerage and poorly functioning septic systems and unsafe traffic conditions for volume of traffic, etc). (It should be noted that the EQC recently documented the very poor, if not embarrassing, lack of state standards for septic systems in Kentucky. Straight pipe sewage discharges are common throughout the state.)
3. Kentucky should adopt, encourage and support policies that provide that new developments pay the true costs, primarily infrastructure, that are incurred from the development. Public funds should be used to support new growth and development

only in cases where state priorities are met for job creation, public health and safety, critical economic development, or other compelling public purpose.

4. Kentucky should help local governments by incentivizing and encouraging development and redevelopment within and adjacent to the boundaries or areas of influence of existing urbanized areas, especially locations where infrastructure is already in place to responsibly support the new development or redevelopment. Expansive, leapfrog development should be discouraged in most, if not all, situations.
5. Kentucky should prohibit any development in floodplains and geologically unstable locations where the new structures are certain to be flooded or damaged, i.e., don't allow new problems to be built. There are no excuses for building new problems. We know what causes the problems and we know what we can do to prevent future problems and incurring unnecessary public costs to fix those problems.

These recommendations alone will not protect and preserve sensitive natural areas and prime farmlands that are now being impacted. Responsible infrastructure planning, design and construction are essential for smart growth to occur. Combined with good incentives, strong and consistent regulatory requirements and ambitious acquisition programs, Kentucky can change the negative development practices of the past and improve the quality and quantity of economic development. Available resources would be better used. The need for public expenditures to correct the negative impacts of poorly managed and regulated development would be eliminated.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon R. Garner", followed by a long horizontal line extending to the right.

Gordon R. Garner
Executive Director

GRG/sjl

cc: MSD Board Members