



Frankfort/Franklin County Planning Commission

315 WEST SECOND STREET • FRANKFORT, KENTUCKY 40601 • (502) 875-8567

November 21, 2007

Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

RECEIVED
NOV 26 2007
PUBLIC SERVICE
COMMISSION

Re: Case No. 2007-00134

Dear Members of the Commission:

Thank you for providing us an opportunity to comment on the Kentucky-American Water Company's transmission line project in Franklin County, Kentucky. On November 8th 2007, the Frankfort/Franklin County Planning Commission directed the Community Facilities Committee of the Comprehensive Plan Update Committee to respond to the Public Service Commissions request for comments relating to Kentucky American Water Company's application for the construction of a 42" water transmission line through northeast Franklin County.

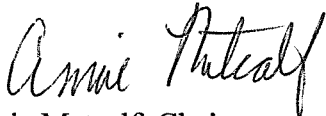
Our contact with Kentucky American Water Company has been limited to discussions on whether or not the project would be exempt from our local development regulations. However, due to the time limitations for comments to the Public Service Commission, we compiled information from citizen commentary, our current Comprehensive Plan and the Public Service Commission website.

The route proposed by Kentucky American Water Company is within the "rural" development area, as depicted on the current Future Land Use map of the Comprehensive Plan (adopted January 2001). As a part of the Comprehensive Plan update, the Frankfort/Franklin County Planning Commission held numerous public hearings in 2006 to develop updated goals and objectives. These goals and objectives have been adopted by the Frankfort/Franklin County Planning Commission as well as, the Franklin County Fiscal Court and Frankfort City Commission. The Kentucky American Water Company application does not appear to consider the current Comprehensive Plan for Frankfort and Franklin County or our adopted goals and objectives.

As such, the rural development designation is intended to allow for agricultural activities and low-density residential development. The goal of the Frankfort/Franklin County Planning Commission is to direct managed, responsible growth into areas most suitable to accommodate the pressures of land use development. Kentucky American Water Company has stated in two public hearings, conducted in Franklin County, that the transmission line could be tapped to provide service to areas in and around the transmission line route. The Frankfort/Franklin County Planning Commission considers the use of infrastructure as a planning tool when considering the creation of the future land use map as well as development proposals. The possible introduction of a new water line in the absence of other necessary facilities and/or services (i.e. sewer, fire protection) circumvents the whole planning process in Franklin County. The current transportation infrastructure in and around the route is not adequate to accommodate the potential development impacts as shown in the attached photographs of the proposed route. The Community Facilities Committee of the Frankfort/Franklin County Planning Commission finds that there are options to ensuring adequate water supply, including demand side management.

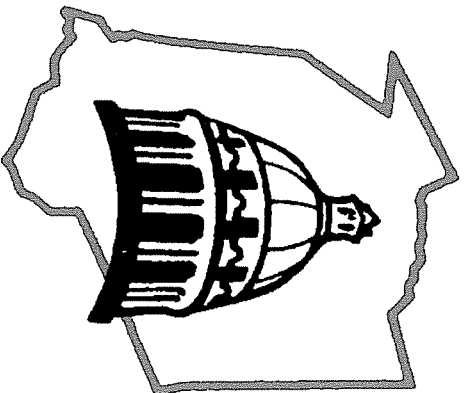
In conclusion, the Frankfort/Franklin County Planning Commission would strongly urge that the Public Service Commission would consider other alternatives to addressing the water needs of central Kentucky before any formal approvals are granted.

Sincerely,

A handwritten signature in cursive script that reads "Annie Metcalf".

Annie Metcalf, Chairperson
Community Facilities Committee
Frankfort/Franklin County Planning Commission

Cc: Franklin County Fiscal Court
Frankfort City Commission



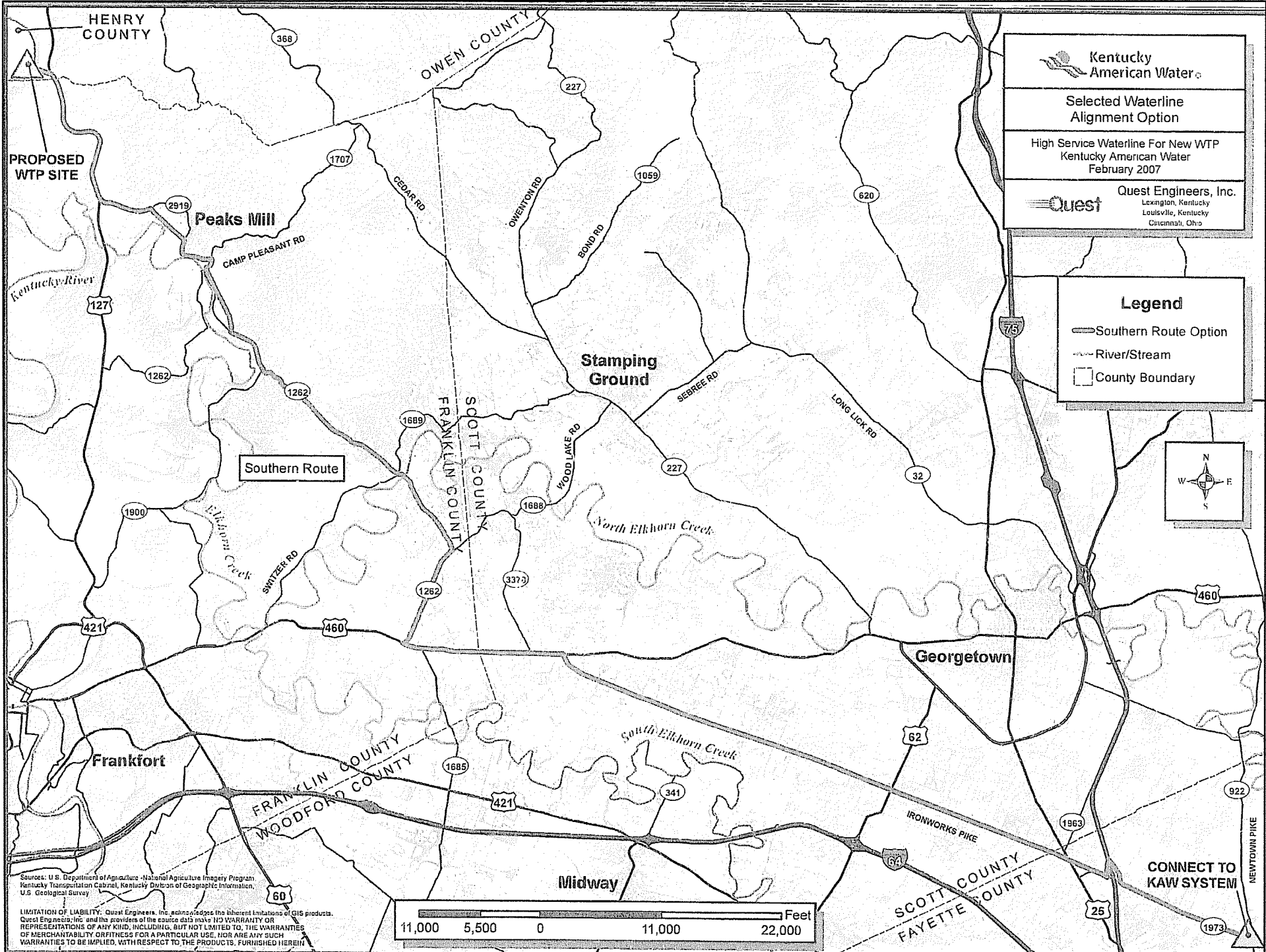
Frankfort/Franklin County
Planning Commission



**Report to the Commission on the Impact of
a Water Pipeline through Northern Franklin
County**




**November 8
2007**

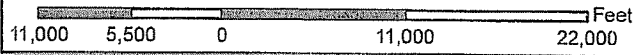
**Gary Muller,
City Planning
Director**

**Robert Hewitt,
County
Planning
Director**

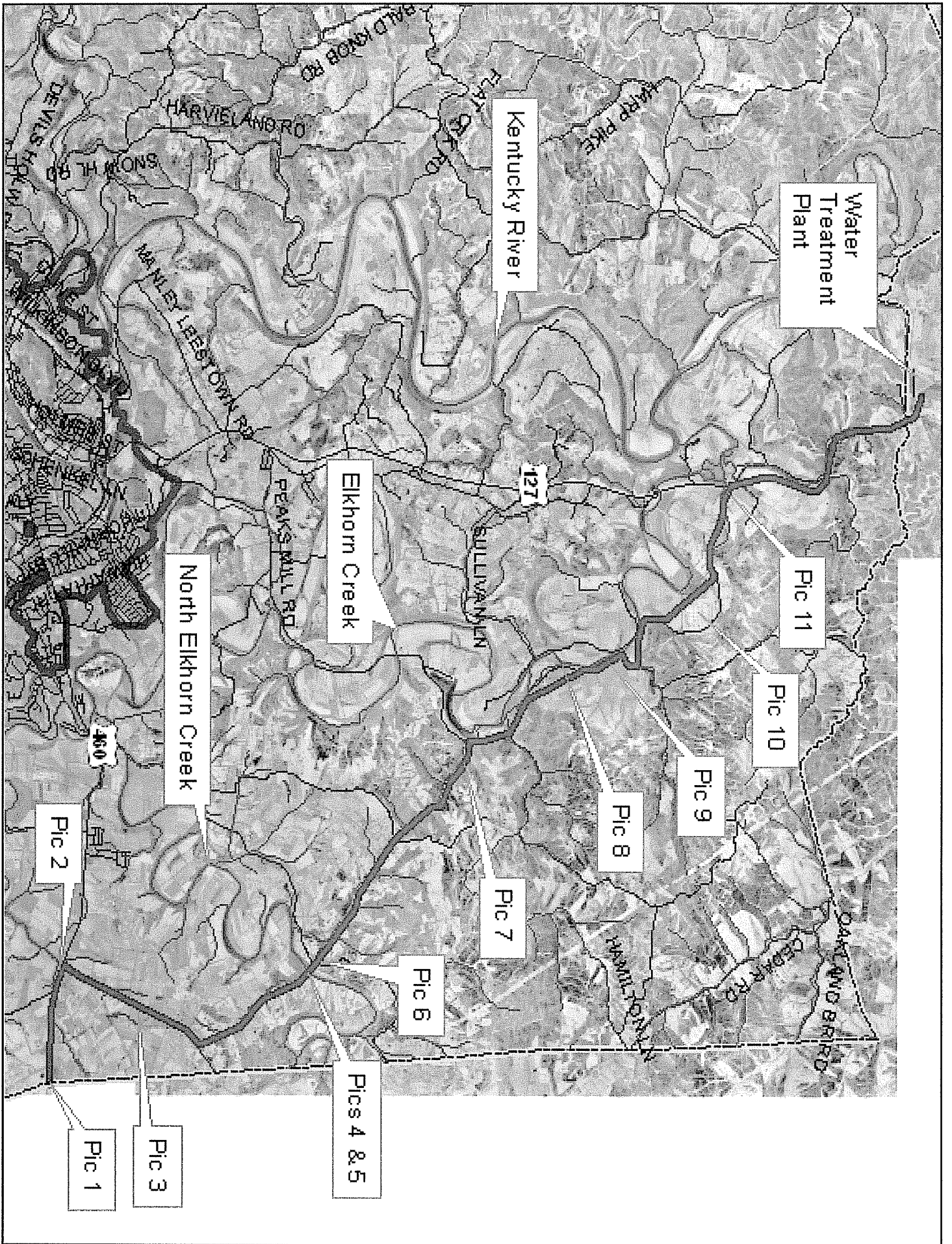


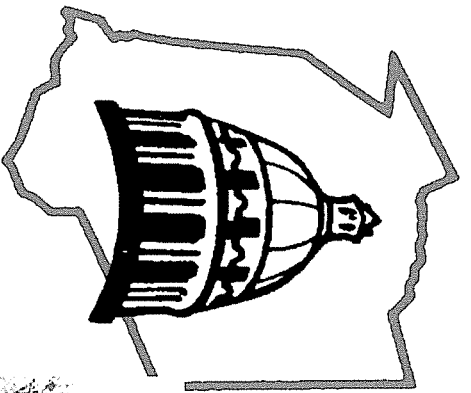

Kentucky American Water
 Selected Waterline Alignment Option
 High Service Waterline For New WTP
 Kentucky American Water
 February 2007

Quest Engineers, Inc.
 Lexington, Kentucky
 Louisville, Kentucky
 Cincinnati, Ohio

Legend
 Southern Route Option
 River/Stream
 County Boundary



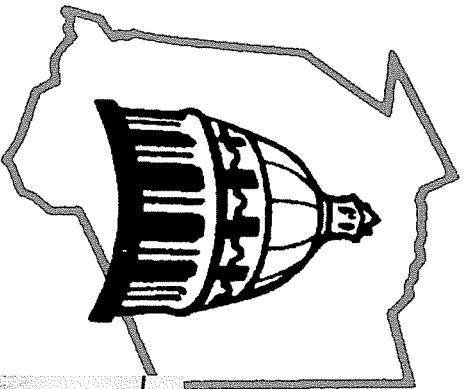
Sources: U.S. Department of Agriculture - National Agriculture Imagery Program,
 Kentucky Transportation Cabinet, Kentucky Division of Geographic Information,
 U.S. Geological Survey
LIMITATION OF LIABILITY: Quest Engineers, Inc. acknowledges the inherent limitations of GIS products.
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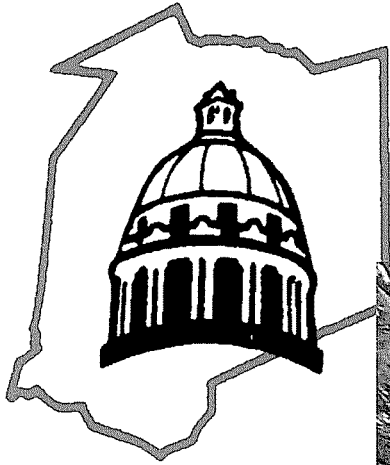
Picture 1: US 460 at County Line





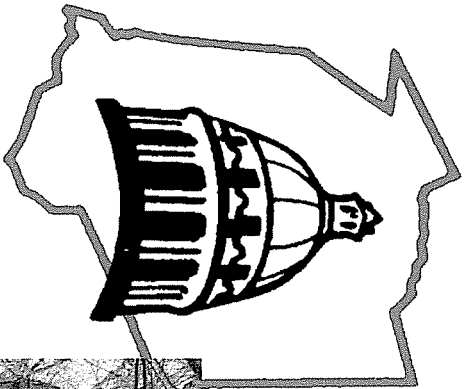
Picture 2: US 460 & KY 1262





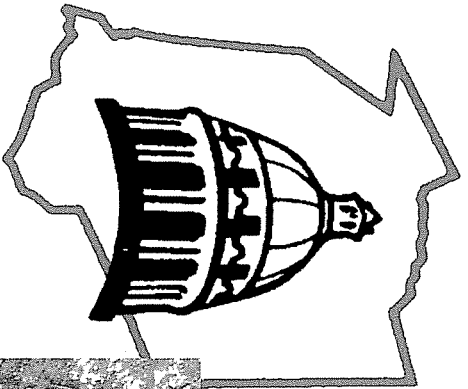
Picture 3: Along KY 1262





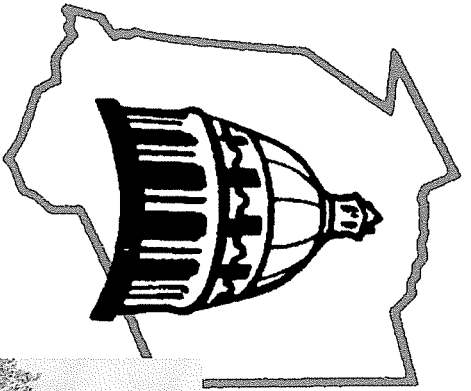
Picture 4: At Switzer Covered Bridge





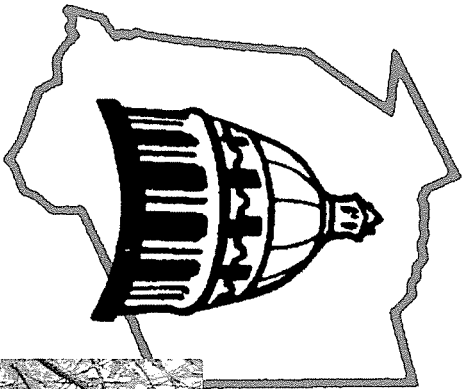
**Picture 5: At Switzer Covered
Bridge**





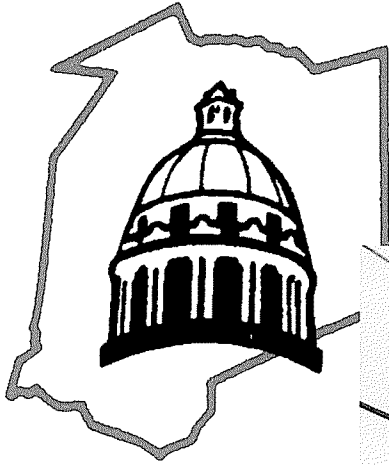
Picture 6: Switzer





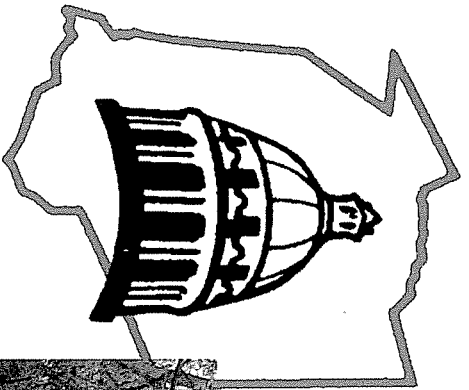
Picture 7: Rocky Branch Road





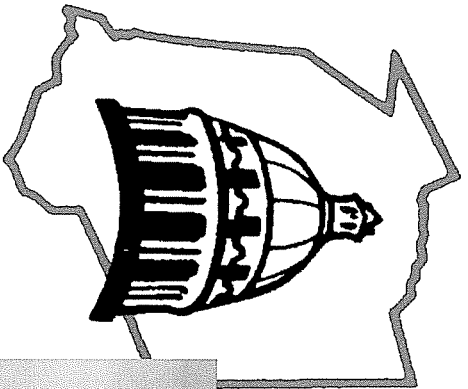
Picture 8: Peaks Mill





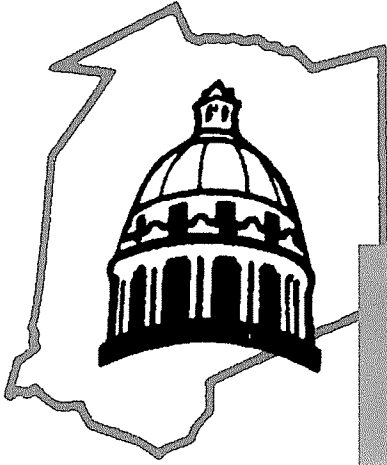
**Picture 9: KY 1262 @ Peaks Mill
Christian Church**





Picture 10: Fish Hatchery





Picture 11: US 127 N @ Indian Gap Rd



Robert Hewitt

From: Robert Hewitt [rhewitt@dcr.net]
Sent: Wednesday, February 14, 2007 2:34 PM
To: 'Carnish, Matthew J.'
Subject: RE: Kentucky American Water Pool 3 WTP - Planning & Zoning for the Raw Water Pump Station within Franklin County

Thank you for the information. I will provide a copy of your letter to the Planning Commission's attorney.

-----Original Message-----

From: Carnish, Matthew J. [mailto:mcarnish@GFNET.com]
Sent: Sunday, January 14, 2007 11:39 AM
To: rhewitt@dcr.net
Cc: Wood, Samuel F.
Subject: Kentucky American Water Pool 3 WTP - Planning & Zoning for the Raw Water Pump Station within Franklin County

Mr. Hewitt

I understand that our San Wood of Gannett Fleming, Inc. has been in recent contact with you to advise you of the upcoming Kentucky American Water Pool 3 Water Treatment Plant Project. Gannett Fleming, Inc. is the Design Engineer for Kentucky American Water for this project. The majority of the water treatment plant project is located in Owen County, however, a portion of the project is also located in Franklin County, i.e. the Kentucky River Intake and Raw Water Pumping Station. Sam advised me from your discussions that you identified that the Franklin County portion of the project must secure Zoning and Subdivision/Land Development Plan Approvals.

Kentucky American Water is a private company and a utility regulated by the Public Service Commission. Per statute (KRS 100.324) as attached, Kentucky American Water is exempt from local planning and zoning for facilities needed to provide service including tanks, pump stations, treatment plants without office buildings. The Raw Water Pumping Station (being sited in Franklin County) is a pump station structure with no offices, and accordingly exempt from local planning and zoning.

Although exempt from local planning and zoning, Kentucky American Water's general practice is to give local planning boards an opportunity to comment on the water facilities being constructed. On behalf of Kentucky American Water, we will submit complimentary copies of the design documents to Franklin County for your comments as we proceed with the project.

Please advise if you concur with Kentucky American Water's position. Should you wish to discuss this in more detail, please do not hesitate to contact me at (717) 763-7211 Ext. 2534 or mcarnish@gfnet.com.

Matthew J. Carnish, P.E.
Senior Project Manager
Gannett Fleming, Inc.

2/14/2007

**The Proposed Kentucky American Pipeline and its Effects on the
Implementation of the Frankfort/Franklin County Comprehensive Plan**
*submitted by Envision Franklin County and Citizens for Alternative Water Solutions
to the Frankfort/Franklin County Planning and Zoning Commission*
November 8, 2007

Kentucky American's proposed 42-inch pipeline through northern Franklin County should be of great concern to the Planning and Zoning Commissioners, elected officials, and residents of Franklin County. At stake is the health and well-being of the county and the ability of officials to plan development for Franklin County in accord with the newly revised and adopted Goals and Policies of the Comprehensive Plan.

The Goals and Policies of the Comprehensive Plan are the result of a year and a half of committee meetings and broad community involvement which culminated in a recommendation of adoption from the Planning and Zoning Commission and adoption by both the City Commission and the Fiscal Court. The proposal currently before the Public Service Commission (case # 2007-001340) to route a pipeline through the Elkhorn Creek Valley in Northern Franklin County roughly following 127 North to Indian Gap Road to 1262 through Peaks Mill and Switzer and out to 460 would prevent planners from implementing the following goals of the Comprehensive Plan:

Goal 1: Grow by Design

- If approved, the pipeline would hijack the county's ability to grow by design. Tap-ons for large subdivisions would be allowed and piggy-back right-of-way development would be inevitable.
- Neither the pipeline nor the development potentially associated with it was discussed as the Goals and the Policies of the Comprehensive Plan were updated, and neither the City nor the County have planned to provide the services for such development.
- The pipeline and its 90-foot construction right-of-way will negatively impact stone walls, woodlands, wetlands, and areas with unique historic and cultural features, such as the Switzer Bridge. These lands and features are of significant concern under Goal 1 of the Comprehensive Plan, and any development of them should entail much more thorough consideration than is evident in the current pipeline proposal.

Goal 2: Distinguish Town and County Identity

- The sprawl that may well result from the pipeline will hinder the community from maintaining the distinction between urban and rural areas.
- The ability of the communities of Peaks Mill and Switzer to stay small and compact and retain their rural character will be compromised.
- The policy of encouraging the preservation of existing farms and rural lands outside of existing and planned urban areas will be undermined.

Goal 3: Use Infrastructure as a Planning Tool

- KAW's pipeline infrastructure is designed to benefit KAW and its parent companies and stakeholders. It was not designed for the benefit of Franklin County and is clearly not intended to further the goal of having planned growth in this community. Kentucky American did not participate in the Comprehensive Plan update process and did not consider our community's vision for growth and development when it chose its preferred route.
- The Kentucky American pipeline will shift growth into areas that are not seen as the most suitable under the Comprehensive Plan, and will achieve exactly the opposite of what Goal 3 intends.

-Development along the pipeline corridor will be removed from existing infrastructure service areas, and will degrade county roads, create traffic hazards, and strain the capacity of emergency services in the area.

Goal 4: Promote Economic Health

-The KAW pipeline will take property from many Franklin County residents and force Franklin County to bear the cost of lost property, unplanned development, and deteriorating roads.

-Study after study shows that suburban residential development costs more in community services that it generates in property tax revenues. (See attached study from the American Farmland Trust.)

-The pipeline will run under or near narrow rural roads. The cranes, bulldozers, dump trucks, blasting equipment, drill rigs, and other heavy equipment used to install the pipe will all use and negatively impact these roads.

-During construction, the residents of the area will experience inconveniences and delays.

-There is the real possibility that the pipeline construction will disrupt groundwater flows risking the water supply and livelihood of residents along the proposed pipeline route.

Goal 5: Protect Environmental Health

-The proposed pipeline threatens the integrity of the natural environment.

-The proposed pipeline also threatens scenic viewsheds and the rural character of northern Franklin County.

-Kentucky American has failed to thoroughly consider the environmental impacts of the proposed pipeline, and construction of the pipeline is at odds with the policy in the Comprehensive Plan to encourage new development to be designed in a manner that preserves the natural topography and other natural features such as trees, woodlands, wildlife, rare species, streams, ponds, and drainage ways.

-The following rare species occur along the proposed pipeline route, but there is no mention of them in Kentucky American's pipeline proposal:

**Arabis perstellata* (Braun's rockcress, USFWS Endangered, KSNPC Threatened)—4 occurrences and one designated Critical Habitat Area FR 31460 (published June 3, 2004)

**Lesquerella globosa* (globe bladderpod, USFWS Candidate, KSNPC Endangered)

**Elymus svensonii* (Svenson's wildrye, KSNPC Special Concern, species of federal interest)

**Rana pipiens* (northern leopard frog, KSNPC Special Concern)

**Gallinula chloropus* (common moorhen, KSNPC Threatened)

**Alasmidonta marginata* (Elktoe [mussel], KSNPC Threatened)

-The proposed pipeline route includes the following *twenty* stream crossings:

1) Morgadore Creek (1st order)

2) Long Branch (1st order)

3) Long Branch (2nd order) –larger fork

4) Elkhorn Creek (1st order) –a small tributary

5) Elkhorn Creek (4th order) –small segment at the fish hatchery

6) Elkhorn Creek (2nd order) –another small tributary

7) Elkhorn Creek (1st order) –small tributary

8) Sulphur Lick (3rd order)

9) Rocky Branch (2nd order)

10) Rocky Branch (1st order)

11) North Elkhorn Creek (1st order)

12) North Elkhorn Creek (5th order)—Switzer

13) Jones Lane Branch (1st order)

14) Buck Run (1st order)

- 15) Buck Run (2nd order)
- 16) Buck Run (1st order)
- 17) South Elkhorn (1st order) –crosses twelve small branches as the route goes from 460 to 1973
- 18) Cane Run (1st order) –four small branches
- 19) Cane Run (2nd order)
- 20) Cane Run (3rd order)

-The route goes through the following HUC watersheds as identified by Division of Water.

HUC 11 priority watersheds

- 1) Cane Run HUC 0510020580200 (29145 acre)—source water area protection area for Georgetown 's Royal Springs.
- 2) South Elkhorn Creek HUC 05100205270 (114, 669 acres)

HUC 14 watersheds:

- 1) Cane Run—29,149 acres HUC 05100205280200
- 2) South Elkhorn Creek—13, 728 acres HUC 05100205270090

Goal 6: Preserve Existing Neighborhoods

-The proposed pipeline threatens the preservation of the rural villages of Peaks Mill and Switzer.

Goal 7: Enhance Community Quality and Character

-The proposed pipeline threatens the rural character of Franklin County.

The proposed Kentucky American Pipeline will require a 30-foot wide permanent easement and a 90-foot wide construction easement. It will create a swath of disturbed earth, uprooted trees, torn-up pavement, and compromised fencelines during the roughly two year construction period, and, after completion, it will open northern Franklin County to sprawling, unplanned development. None of the outcomes of this proposed project match the Goals and Policies of the Comprehensive Plan, and the proposed Kentucky American pipeline brings little or no benefit to the citizens of Franklin County.

Better alternatives exist for supplying water to Central Kentucky, and we request that the Frankfort/Franklin County Planning and Zoning Commission sends comments to the Public Service Commission highlighting the myriad ways that going forward with this project will threaten the ability of this community to implement the goals and policies of our Comprehensive Plan.

Envision Franklin County

Contact: Brent Sweger

Brent.sweger@ky.gov

(502) 875-4545

Citizens for Alternative Water Solutions

Contact: Chris Schimmoeller

(502) 226-5751

www.cawsky.com

Jim Fries
100 Deer Run Drive
Frankfort, Kentucky 40601

Frankfort Franklin County Planning Commission, Comprehensive Plan Update
Committee

I am a resident of Frankfort and Franklin County and have lived and worked in Frankfort for the last 10 years. Prior to returning to Frankfort in 1997, I was the Director of the Municipal and Agricultural Water Conservation Programs for State of Texas. I helped design and I managed these programs for six years while working for the Texas Water Development Board. I also managed the regional water supply programs for the State of Texas during the same time period. As a water resource professional and as a citizen of Frankfort and Franklin County, I would like to express my opposition to the proposed Kentucky American pipeline for both economic and environmental reasons. Numerous alternatives, including demand management, exist, and these should be fully explored before any inter-basin transfer is ever considered.

Thank you for considering my input.

A handwritten signature in black ink, appearing to read "Jim Fries", with a stylized flourish at the end.

Jim Fries