

COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
3 DIVISION  
CIVIL ACTION NO. 23-CI-2251

BILLY C. JUSTICE, CAROLYN CONLEY,  
DAVID POWELL, ROBERT JAMES,  
AND FAYETTE ALLIANCE, INC.

PLAINTIFFS

v.

COMPLAINT

LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT COUNCIL

SERVE: Susan Speckert  
Commissioner of Law  
200 E. Main Street  
Lexington, KY 40507

COUNCIL MEMBERS:  
DAN WU, JAMES BROWN,  
CHUCK ELLINGER, II, TANYA FOGLE,  
SHAYLA LYNCH, J.D., HANNAH LeGRIS,  
BRENDA MONARREZ, LIZ SHEEHAN,  
DENISE GRAY, PRESTON WORLEY,  
FRED BROWN, WHITNEY ELLIOTT BAXTER.  
DAVE SEVIGNY, JENNIFER REYNOLDS  
and KATHY PLOMIN

DEFENDANTS

\* \* \* \* \*

Come the Plaintiffs, Billy C. Justice, Carolyn Conley, David Powell, Robert James, and Fayette Alliance, Inc. (collectively "Plaintiffs"), by counsel, and for their Complaint against the Lexington-Fayette Urban County Government Council ("Council") and the individual Council Members Dan Wu, James Brown, Chuck Ellinger II, Tanya Fogle, Shayla Lynch, Hanna LeGris, Brenda Monarrez, Liz Sheehan, Denise Gray, Preston Worley, Fred Brown, Whitney Elliott Baxter, Dave Sevigny, Jennifer Reynolds, and Kathy Plomin, state as follows:

## INTRODUCTION

1. This Complaint arises from the Council's failure to abide by or follow statutory and administrative requirements for the research, analysis, and projections that must form the basis for all elements of a land use comprehensive plan (see KRS 100.191), the statutory limitations on its own power (see KRS 100.193(2)), and the criteria that must be followed for a zoning map amendment.

2. The Council has attempted to unilaterally impose its own "Goals and Objectives," so as to dramatically increase the LFUCG's Urban Service Area in contravention to the Planning Commission's Goals and Objectives, without complying with the research, analysis, and projections that must be considered in formulating all elements of the comprehensive plan, and the Council's Goals and Objectives (including but not limited to the selection of 2,700 to 5,000 acres as the amount of land to be included in the USA) are arbitrary and not based on substantial evidence.

## PARTIES, JURISDICTION, AND VENUE

3. Plaintiff Billy C. Justice ("Justice") is the owner of real properties located at 518 and 522 East Main Street, Lexington, Kentucky, 109 Kentucky Avenue, Lexington, Kentucky and 5455 Tates Creek Road, Lexington, Kentucky. He is a real estate broker, specializing in horse farms. He is particularly injured and aggrieved by the Council's action because:

- a. The increase in the USA will inherently decrease the number of horse farms available for sale, thus reducing his customer base;
- b. He believes in the goal of the Comprehensive Land Use Plan in maintaining development within the existing USA. His goals include the construction of a multistory residential condominium project on his property located on Main

Street/Kentucky Avenue. The expansion of the USA will result in numerous competitive residential developments, which will lead to either cancellation of the project or the loss of money on sales, thereby directly diminishing the fair market value of the property; and

- c. His properties in the USA will have a reduced market value due to potential increase in the business and commercial developments in the expanded USA.

4. Plaintiff Carolyn Conley (“Conley”) is the owner of real property located at 1060 Griffin Gate Drive, Lexington, Kentucky. She is particularly injured and aggrieved by the Council’s action because she works in the equine industry, and the expansion of the USA without the requisite research and analysis will negatively impact the availability of work in that industry, with smaller farms likely to be absorbed by development.

5. Plaintiff David Powell, M.D. (“Powell”) is the owner of real property located at 155 Edgemoor Drive and 2121 Nicholasville, Road, #610, Lexington, Kentucky 40503. He is particularly injured and aggrieved by the Council’s action because he owns residential property, lives in one and rents one. The increase in the USA is designed (according to the Council members) to create downward pressure on the resale value of homes and their rental value, plus increases in his taxes to pay for the infrastructure needed to develop the expanded USA.

6. Plaintiff Robert James (“James”) is the owner of an active farm located at 5450 James Lane and 3844 Military Pike, Lexington, Kentucky. He farms about 250 acres in Lexington. He is particularly injured and aggrieved by the Council’s action because the inherent problems arising from the operation of agriculture activities near residential developments. Specifically, he has experienced problems with vandalism which would increase if the area nearby is added to the USA and then developed. Further, the additional traffic that naturally accompanies the expanded

developable areas will create problems when his agricultural vehicles are on the road, and the economic viability of a farm surrounded by development or near development is likely to be significantly decreased.

7. Each of the above-identified Plaintiffs is injured and aggrieved by the Council's directive that the Planning Commission add between 2,700 to 5,000 acres to the USA without the statutorily-required research and analysis being performed by the Planning Commission, and without the attendant hearings which would allow the Plaintiffs to exercise their due process rights, in order to determine whether the expansion is justified.

8. Plaintiff Fayette Alliance, Inc. ("Fayette Alliance"), is a 501(c)(4) non-profit organization dedicated to equitable growth in the LFUCG area through land-use advocacy, education, and research. As owners of Lexington property, one or more of its members (including the individual named Plaintiffs) are injured and aggrieved by the Council's directive that the Planning Commission add between 2,700 to 5,000 acres to the USA without the statutorily-required research and analysis being performed by the Planning Commission in order to determine whether the expansion is justified.

9. The interests sought to be protected by Fayette Alliance through this lawsuit are germane to its purpose, and neither the claims asserted nor relief requested herein requires the participation of each individual member of Fayette Alliance.

10. Land use decisions that are made outside the confines of the law and that are arbitrary and not based on data, research, or analysis directly impacts the ability of Fayette Alliance to achieve its charitable purpose of advocating, educating, and researching smart, sustainable, and equitable growth, which benefits the Lexington-Fayette County community at large.

11. Fayette Alliance therefore has associational standing to bring this Complaint.

12. The Defendant Council is a legislative body for the Lexington-Fayette Urban County Government (“LFUCG”) as defined by KRS 100.111(11).

13. Upon information and belief, each individual Defendant is a resident of Lexington, Kentucky.

14. Jurisdiction and venue are proper in this Court pursuant to KRS 100.197, KRS 100.347, and other law, and because this action involves the use of land in Lexington/Fayette County, Kentucky, and a decision by the Defendants that impacts all citizens of the LFUCG.

#### FACTUAL BACKGROUND

15. On or around February 23, 2022, the LFUCG Planning Commission (“the Commission”) adopted a Recommendation of 2045 Goals and Objectives for a new Comprehensive Land Use Plan (“CLUP”) (hereafter, “Commission’s Recommendation”). (A copy of the Commission’s Recommendation is attached hereto as Exhibit 1).

16. Based upon extensive research, fact-finding, analysis, and hearings, the Commission determined that there should not be an expansion of the USA.

17. The Commission’s Recommendation specifically declined to expand the USA, and stated that any future decision about the boundaries of the USA would be determined according to a specific process.

18. Specifically, the Commission’s Theme E, Goal 3 states:

**Maintain the current boundaries of the Urban Service Area and Rural Activity Centers; and create no new Rural Activity Centers. Future decisions concerning the boundaries of the Urban Service Area and Rural Activity Centers, as well as creation of new Rural Activity Centers, will be determined by implementation of the process created pursuant to Goal 4.**

(See Exhibit 1 (emphasis added)). Goal 4 states:

Protect Lexington’s invaluable rural resources and inform long-range planning by building on the work of the Sustainable Growth Task Force and the Goal 4

**Workgroup to create a data-driven process for determining long-term land use decisions involving the Urban Service Boundary and Rural Activity Centers.**

- a. Ensure this process preserves the Urban Service Area concept, even if the boundary of the Urban Service Area is altered.
- b. Create a process that is informed by robust public and stakeholder engagement and is built upon a thorough research-based foundation.
- c. Make certain this new process informs long-range planning for infrastructure, community facilities, and economic development, while protecting Lexington's invaluable rural resources and continuing to focus on infill, redevelopment and land use efficiency as the continued primary objectives.
- d. Ensure outcomes of this process are fiscally sustainable, equitable, environmentally focused, multimodal, agriculturally supportive, and economically forward.
- e. Adopt this process as an amendment to the Comprehensive Plan.

(Exhibit 1 (emphasis added)).

19. On or around June 1, 2023, and without conducting the statutorily required research, fact-finding, and analysis, the Council considered, discussed, and adopted Motions that materially changed the Commission's Recommendation. (A copy of the Motion and Vote is attached hereto as **Exhibit 2**).

20. On or around June 15, 2023, the Council voted to approved its own Goals and Objectives, which included redlined changes to the Commission's Recommendation. (A copy of the Council's redlined changes is attached here as **Exhibit 3**).

21. Attached as **Exhibit 4** is confirmation of the Council's approval of the Goals and Recommendations on June 15, 2023.

22. Prior to the Council's vote on its own Goals and Objectives (hereafter, "Council's Goals and Objectives"), on June 1, 2023, counsel for certain of the Plaintiffs delivered a letter (dated May 31, 2023) to the Council's attorney, Tracey Jones, objecting to any attempt by the

Council to expand the USA without following the correct process (a concern expressed on multiple occasions by Vice-Mayor Wu) despite the Commission's Recommendation to maintain the existing USA and to adhere to a "data driven process". (A copy of the letter is attached hereto as Exhibit 5).

23. Upon information and belief, Ms. Jones caused the above-described letter to be delivered to each Council member prior to the commencement of the June 1, 2023, Council meeting.

24. The Council's Goals and Objectives directs the Commission to add between 2,700 and 5,000 (unspecified) acres to the USA, stating: "The Planning Commission, in carrying out the land use element of this Comprehensive Plan, shall identify no less than 2,700 acres, but no more than 5,000 acres for inclusion in the Urban Service Area."

25. Because the Council's Goals and Objectives arbitrarily dictate the addition of thousands of unspecified acres to the USA, the Council has engaged in "spot zoning" without a reasonable ground or basis for doing so.

26. By arbitrarily requiring the Commission to add acres to the USA, the Council has evaded the requirements set out in KRS 100.191, which provides that "[a]ll elements of the comprehensive plan shall be based upon but not limited to, the following research, analysis, and projections":

(1) An analysis of the general distribution and characteristics of past and present population and a forecast of the extent and character of future population as far into the future as is reasonable to foresee;

(2) An economic survey and analysis of the major existing public and private business activities, and a forecast of future economic levels, including a forecast of anticipated necessary actions by the community to increase the quality of life of its current and future population through the encouragement of economic development as far into the future as is reasonable to foresee;

(3) Research and analysis as to the nature, extent, adequacy, and the needs of the community for the existing land and building use, transportation, and community facilities in terms of their general location, character and extent, including, the identification and mapping of agricultural lands of statewide importance and analysis of the impacts of community land use needs on these lands; and

(4) Additional background information for the elements of the comprehensive plan may include any other research analysis, and projections which, in the judgment of the planning commission, will further serve the purposes of the comprehensive plan.

KRS 100.191.

27. The Council's Goals and Objectives are contrary to KRS 100.183, which states that "[t]he planning commission of each unit shall prepare a comprehensive plan . . . ."

28. KRS 100.187(2) requires a comprehensive plan to contain:

(1) A statement of goals and objectives, which shall serve as a guide for the physical development and economic and social well-being of the planning unit;

(2) A land use plan element, which shall show proposals for the most appropriate, economic, desirable, and feasible patterns for the general location, character, extent, and interrelationship of the manner in which the community shall use its public and private land at specified times as far into the future as is reasonable to foresee. Such land uses may cover, without being limited to, public and private, residential, commercial, industrial, agricultural, and recreational land uses;

....

Id. (emphasis added). The Commission is charged with preparing the comprehensive plan, including the land use plan element.

The statutory definitions of the distinct elements of the comprehensive plan makes clear that the Goals and Objectives element is not the appropriate element through which the use of land, including the extent of land for development for a particular use, is to be determined.

29. For that reason, the Council has never previously mandated a certain amount of land to be included in the USA through the Goals and Objectives element of the comprehensive plan.

30. The Council's Goals and Objectives are contrary to KRS 100.193, which states, in relevant part, that "[t]he planning commission of each planning unit shall prepare and adopt the statement of goals and objectives to act as a guide for the preparation of the remaining elements and the aids to implementing the plan." Although KRS 100.193(1) states that the planning commission's statement of goals "shall be presented for consideration, amendment, and adoption" by the legislative body, subsection (2) provides:

Each legislative body and fiscal court in the planning unit may develop goals and objectives for the area within its jurisdiction which the planning commission shall consider when preparing or amending the comprehensive plan.

(Id.) (emphasis added).

31. Neither KRS 100.193 nor any other law, therefore, authorizes the Council to require the Commission to expand the USA as part of the Commission's statutory role in formulating the comprehensive plan or amendments thereto.

32. KRS 100.193 further provides that a legislative body "shall take action upon the [Planning Commission's] proposed statement of goals and objectives within ninety (90) days of the date upon which the legislative body or fiscal court receives the planning commission's final action upon such proposal." *Id.* "If no action is taken within the ninety (90) day period, the statement of goals and objectives shall be deemed to have been approved by operation of law." *Id.*

33. The Commission provided the Commission’s Goals and Objectives to the Council on or around February 23, 2023.

34. By operation of law, therefore, the Commission’s Goals and Objectives were deemed approved no later than May 24, 2023.

35. The Council was therefore subsequently without authority to adopt the Council’s Goals and Objectives.

36. The Council’s Goals and Objectives also constitute a de facto amendment of the LFUCG’s zoning map without following the criteria of KRS 100.211, which provides, in relevant part:

**(2) (a) A proposal for a zoning map amendment may originate with the planning commission of the unit, with any fiscal court or legislative body which is a member of the unit, or with an owner of the property in question.**

**(b) The proposed amendment shall be referred to the planning commission before adoption. The planning commission shall:**

**1. Hold at least one (1) public hearing after notice as required by this chapter; and**

**2. Make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the various legislative bodies or fiscal courts involved.**

...

**(f) The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment.**

...

**(i) Unless a majority of the entire legislative body or fiscal court votes to override the planning commission's recommendation, such recommendation shall become final and effective and if a recommendation**

of approval was made by the planning commission, the ordinance of the fiscal court or legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

...

**(4) Procedures prescribed in KRS 100.207 applicable to the publication of notice also shall apply to any proposed amendment to a zoning regulation text or map . . . .**

....

**(7) In addition to the public notice requirements prescribed in subsection (4) of this section, when the planning commission, fiscal court, or legislative body of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing before the planning commission, fiscal court, or legislative body shall be given at least thirty (30) days in advance of the hearing by first-class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the property valuation administrator may be relied upon to determine the identity and address of said owner.**

**(8) The fiscal court or legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the planning commission takes its final action upon such proposal.**

(Emphasis added).

37. LFUCG Ordinance Section 6-4 similarly provides:

A proposal for amendment to the zoning map may originate only with the Commission, the [LFUCG] Council, the owner of the subject property, or by a person having written authorization from the owner of the subject property. **Regardless of the origin of the proposed amendment, an application must be filed with the commission requesting the proposed amendment in such form and accompanied by such information as required by this Zoning Ordinance and the by-laws of the Commission . . . .**

(Emphasis added).

38. Prior to the Council's vote on the Council's Goals and Objectives, the Council received a presentation by Ms. Jones and Chris Woodall, a copy of which is attached hereto as **Exhibit 6**. Guidance provided to the Council in that presentation included the following:

**Planning Commission Role in Goals & Objectives**

- Recommend Goals & Objectives to Council for adoption KRS 100.193(1)

**All decisions to expand the Urban Service Boundary have been made by the Planning Commission adopting or amending the Comprehensive Plan.**  
(Emphasis in original).

- The Planning Commission makes decisions regarding the USA location and size through the land use element of the Comprehensive Plan.
  - All expansions and contractions have been decided by the Planning Commission through the Comprehensive Plan.

39. The Council has thus acted contrary to legal advice provided by its own counsel.

40. On information and belief, certain Council members had a conflict of interest which should have precluded them from voting on the Council's Goals and Objectives to expand the USA, including by engaging in private employment or rendering services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties and would tend to impair the independent of judgment or action in performing his or her official duties, all within the meaning of Section 16.02 of the LFUCG Ordinances and other law.

41. On information and belief, certain Council members acted as representatives and agents for certain land owners (by attempting to include in the Goals and Recommendations specific areas where the USA was to be expanded) and real estate developers and other entities promoting development, and did not disclose that conflict of interest.

**COUNT I  
ACTION FOR DECLARATORY RELIEF**

42. Each of the foregoing allegations is incorporated as if fully set forth herein.

43. Pursuant to KRS 418.040, an actual case and controversy exists between the parties with regard to:

- a. Whether the Commission's Goals and Objectives were deemed approved by operation of law (pursuant to KRS 100.193(1)), such that the Council lacked authority to approve the Council's Goals and Objectives subsequent to May 23, 2023;
- b. Whether the Council, in approving the Council's Goals and Objectives, acted within its statutory powers, and in accordance with KRS 100.191, KRS 100.183, KRS 100.193, and other law;
- c. Whether the Council's Goals and Objectives constitute a de facto amendment of the zoning map, and, if so, whether the Council complied with KRS 100.211 and the LFUCG's Ordinances;
- d. Whether the Council afforded procedural due process in approving the Council's Goals and Objectives;
- e. Whether certain Council members had a conflict of interest that they failed to disclose, and/or which prohibited them from participating in the vote on the Council's Goals and Objectives; and
- f. Whether the Council's Goals and Objectives are supported by substantial evidence, or are arbitrary and unreasonable.

44. The Plaintiffs are entitled to a declaratory judgment in their favor that the Council's Goals and Objectives are void and of no effect; that the Commission's Goals and Objectives had been or must be approved by operation of law; that Council members with any direct or indirect conflict of interest in the expansion of the USA must disclose such interest and disqualify himself

or herself from participating in any decision or vote relating to that issue; and that the Council does not have authority to compel the Commission to increase the USA.

**COUNT II**  
**APPEAL OF DE FACTO MAP AMENDMENT PURSUANT TO KRS 100.347**

45. Each of the foregoing allegations is incorporated as if fully set forth herein.
46. Pursuant to KRS 100.347, the Plaintiffs take this appeal from the Council's vote on the Council's Goals and Objectives, which is a matter "relating to" amendment of the zoning map, and which constitutes a de facto map amendment.
47. This appeal is asserted in the alternative to the other claims asserted herein.
48. The Plaintiffs are injured and aggrieved by the Council's Goals and Objectives.
49. The Council's de facto map amendment must be held to be void, because the Council exceeded its statutory authority, and because the Goals and Objectives are not supported by substantial evidence and are arbitrary.

**COUNT III**  
**DUE PROCESS VIOLATION**

50. Each of the foregoing allegations is incorporated as if fully set forth herein.
51. In adopting the Council's Goals and Objectives, the Council violated the Plaintiffs' due process rights pursuant to the federal and state Constitutions by failing to provide notice and an opportunity to be heard, by acting arbitrarily and not on the basis of substantial evidence, and by disregarding the statutory requirements and procedures for the formulation of elements of the CLUP.
52. The Plaintiffs have been damaged, and continue to be damaged, in an amount in excess of the jurisdictional minimum of this Court.

**COUNT IV  
VIOLATION OF SECTION 2 OF THE KENTUCKY CONSTITUTION**

53. Each of the foregoing allegations is incorporated as if fully set forth herein.

54. The Council’s adoption of the Council’s Goals and Objectives violates Section 2 of the Kentucky Constitution because it constitutes an arbitrary exercise of power.

55. The Plaintiffs have been damaged, and continue to be damaged, in an amount in excess of the jurisdictional minimum of this Court.

**COUNT V  
INJUNCTIVE RELIEF**

56. Each of the foregoing allegations is incorporated as if fully set forth herein.

57. The Plaintiffs are entitled to a permanent injunction restraining the Council from adopting or enforcing its Goals and Objectives, and from requiring the Commission to increase the USA.

WHEREFORE, the Plaintiffs respectfully request:

- 1. A judgment in their favor;
- 2. A declaration by the Court pursuant to KRS 418.040 that:
  - a. The Council’s approval of the Council’s Goals and Objectives exceeded its statutory and administrative powers and was not done in accordance with law;
  - b. The Council’s Goals and Objectives were adopted in violation of the Plaintiffs’ procedural due process rights;
  - c. The Council’s Goals and Objectives are not supported by substantial evidence and are arbitrary and unreasonable;
  - d. The Council’s Goals and Objectives are the product of a vote by members who had an undisclosed conflict of interest;

- e. The Council’s Goals and Objectives are void and of no effect;
  - f. The Commission’s Goals and Objectives have been or must be adopted by the Council by operation of law; and/or
  - g. The Council’s Goals and Objectives constitute an improper zoning map amendment.
3. A finding and conclusion that any de facto amendment of the zoning map created by the Council’s Goals and Objectives was improper and not supported by substantial evidence, and must be set aside;
  4. A permanent injunction against the implementation of the Council’s Goals and Objectives;
  5. All other relief to which the Plaintiffs appear entitled; and
  6. An award of the Plaintiffs’ reasonable attorneys’ fees and costs.

Respectfully submitted,

MILLER, GRIFFIN & MARKS, P.S.C.

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2045  
COMPREHENSIVE  
PLAN

**Imagine Lexington 2045 Goals & Objectives**  
**FINAL PLANNING COMMISSION RECOMMENDATION 2.23.23 – CLEAN COPY**

**Preamble**

To ensure that long range planning policies and other urban growth boundary issues address the expected needs for new urban development and equitably contribute to the health and prosperity of Lexington-Fayette County, these goals and objectives have been drafted based upon the projected community needs of today with the confidence that they will continue to be reviewed and revised as necessary on the five-year review cycle mandated by state statute. Anytime in the interim, the Planning Commission may recommend that Council amend the Goals and Objectives, and any recommendation shall be presented for consideration, amendment, and adoption by the Council.

**Mission Statement**

The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community’s resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

**Theme A - Growing & Sustaining Successful Neighborhoods**

**Goal 1: Expand housing choices.**

Objectives:

- a. Pursue incentives and regulatory approaches that encourage creativity, energy efficiency, and sustainability in housing development.
- b. Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density, and mixture of housing types.
- c. Plan for safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents.
- d. Create and implement housing incentives that strengthen the opportunities for higher-density and housing affordability.

**Goal 2: Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.**

Objectives:

- a. Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.
- b. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form.
- c. Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.
- d. Encourage infill and redevelopment through the creation and implementation of innovative programs such as the Lexington Infrastructure Fund, regulatory changes, development incentives, optional off-site mitigation funds, and other methods.

- e. Create materials that educate the public about infill and redevelopment.

**Goal 3:** Provide well-designed neighborhoods and communities.

Objectives:

- a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County.
- b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.
- c. Minimize disruption of natural features when building new communities.
- d. Encourage the use of neighborhood-enhancing elements, such as green infrastructure, street trees, neighborhood-serving businesses, gathering spaces and other types of community focal points.

**Goal 4:** Address community facilities at a neighborhood scale.

Objectives:

- a. Incorporate schools, libraries, parks, greenways, and other community-focused educational and recreational facilities into neighborhoods in order to maximize safe routes for all pedestrians and bicyclists.
- b. Plan for equitable and accessible social services and healthcare facilities that address the needs of all residents, maximizing the opportunity to reach geographically underserved areas throughout the community.
- c. Establish and promote road network connections in order to reduce police, EMS, and fire response times.

**Goal 5:** Ensure equitable development and rectify Lexington’s segregation by race and socioeconomic status caused by historic planning practices and policies.

Objectives:

- a. Take an actively anti-racist approach to land use policy, with the purpose of integrated, walkable, transit-accessible neighborhoods for all residents.
- b. Protect existing housing affordability and expand low- and middle-income housing across the city.
- c. Ensure that public infrastructure investment in vulnerable areas provides benefits to that community and actively avoids, minimizes, or mitigates the disparate impact and displacement of vulnerable populations.
- d. Develop new enforcement and housing programs and revise existing policies to prioritize the health, wellbeing, and protection of at-risk homeowners and renters.
- e. Implement and develop innovative programs, such as land banks, the Affordable Housing Fund, community land trusts, or other methods to subsidize affordable housing.
- f. Update zoning regulations to allow for greater density, supply, and affordability.

**Theme B – Protecting the Environment**

**Goal 1:** Protect water resources by improving urban stormwater and sanitary sewer infrastructure.

Objectives:

- a. Continue to implement sanitary sewer Consent Decree programs (remedial measures, capacity assurance, management, operation and maintenance.)

- b. Protect and improve water quality through the development of cost-sharing and grant programs to assist homeowners, neighborhoods, and developers.
- c. Retrofit stormwater infrastructure to improve water quantity and quality concerns.
- d. Continue to develop protections for watersheds, including installation of elements to improve and protect water quality, reforestation appropriate areas, and improving aesthetic and educational experiences.

**Goal 2:** Identify and mitigate local impacts of climate change by tracking and reducing Lexington-Fayette Urban County's carbon footprint and greenhouse gas emissions.

Objectives:

- a. Continue programs and initiatives to track and improve energy efficiency and reduce greenhouse gasses, and prioritize reducing, reusing, and recycling.
- b. Identify and assess potential climate change local impacts, including but not limited to, temperature, precipitation, extreme weather, agriculture, and human health.
- c. Develop incentives and update regulations for green building, sustainable development, and transit-oriented development with civic agencies leading by example.
- d. Prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence.

**Goal 3:** Apply environmentally sustainable practices to protect, conserve, and restore landscapes and natural resources.

Objectives:

- a. Support the funding, planning and management of a green infrastructure program.
- b. Identify and protect natural resources, and landscapes before development occurs.
- c. Incorporate environmental equity and green infrastructure principles in new plans and policies.
- d. Coordinate intragovernmental planning, funding, programs, and activities across LFUCG departments and divisions; ensuring that all planning and operational activities that impact the protection, conservation, and restoration of landscapes, natural resources, and our natural environment are aligned and complementary.
- e. Incentivize green infrastructure practices in the design of new development.
- f. Promote, maintain, and expand the urban forest throughout Lexington.

**Theme C – Creating Jobs & Prosperity**

**Goal 1:** Support and showcase local assets to further the creation of a variety of jobs.

Objectives:

- a. Strengthen efforts to develop a variety of job opportunities that lead to prosperity for all.
- b. Strengthen regulations and policies that propel the agricultural economy, including, but not limited to, local food production and distribution, agritourism, and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World.
- c. Collaborate with institutions of higher learning to foster a capable and skilled workforce, while engaging agencies that address the lack of prosperity for residents by reducing joblessness.
- d. Encourage development that promotes and enhances tourism.
- e. Encourage developers of government-funded or subsidized projects to employ residents in the vicinity.

**Goal 2:** Attract the world's finest jobs, encourage an entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity, equity, and inclusion in our community.

**Objectives:**

- a. Prioritize the success and growth of strategically-targeted employment sectors (healthcare, education, high-tech, advanced manufacturing, agribusiness, agritourism, and the like), and enable infill and redevelopment that creates jobs where people live.
- b. Improve opportunities for small business development through the encouragement of incubator spaces, home-based businesses, shared work opportunities, and government-led programs to educate entrepreneurs, particularly for people of color and underserved communities.
- c. Review and improve regulations and policies that attract and retain high paying jobs through close collaboration with agencies that focus on economic development.
- d. Provide entertainment and other quality of life opportunities that attract and retain young, and culturally diverse professionals, and a workforce of all ages and talents to Lexington.

**Goal 3:** Identify and update land use policies and regulations to improve economic mobility and related socio-economic and health issues.

**Objectives:**

- a. Create and implement mechanisms for low, moderate, and middle income residents to access affordable and equitable home financing options to enable them to “get on the property ladder” and accumulate intergenerational wealth.
- b. Collaborate with developers, commercial entities, and non-profits to eliminate food deserts throughout the county and ensure that all residents have easy access to affordable and nutritious food.
- c. Create a central coordinating function for all social services in the county, including non-profit, faith-based, and governmental services.

**Theme D – Improving a Desirable Community**

**Goal 1:** Work to achieve an effective, equitable, and comprehensive transportation system.

**Objectives:**

- a. Support the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit, and other vehicles.
- b. Expand the network of accessible transportation options for residents and commuters, which may include the use of mass transit, bicycles, walkways, ridesharing, greenways, and other strategies.
- c. Concentrate efforts to enhance mass transit along our corridors in order to facilitate better service for our growing population, as well as efficiencies in our transit system.
- d. Improve traffic operation strategies, traffic calming, and safety.
- e. Provide the infrastructure to promote and encourage electric vehicles throughout Lexington.
- f. Enhance transportation options throughout the county that are affordable, equitable, and responsive to the identified needs and desires of the intended users, especially individuals and families without access to automobiles.

**Goal 2:** Support a model of development that focuses on people-first to meet the health, safety, and quality of life needs of Lexington-Fayette County’s residents and visitors.

**Objectives:**

- a. Ensure built and natural environments are safe and accessible through activated and engaging site design.

- b. Collaborate with educational and healthcare entities to meet the needs of Lexington-Fayette County's residents and visitors.
- c. Collaborate with service providers about how their community facilities should enhance existing neighborhoods.
- d. Monitor and evaluate newly passed parking regulations to ensure they are achieving more walkable, people-first development, and lowering development costs.

**Goal 3:** Protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image.

**Objectives:**

- a. Protect historic resources and archaeological sites.
- b. Incentivize the renovation, restoration, development and maintenance of historic residential and commercial structures.
- c. Develop incentives to retain, restore, preserve and continue use of historic site and structures, rural settlements and urban and rural neighborhoods.
- d. Promote, support, encourage, and provide incentives for public art.

**Theme E -- Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land**

**Goal 1:** Uphold the Urban Service Area concept.

- a. Preserve the Urban Service Boundary, which is the first of its kind in the United States, and has been foundational in fiscally responsible planning and growth management in Lexington since 1958.
- b. Continue to monitor the absorption of vacant and underutilized land within the Urban Service Area
- c. Ensure all types of development are environmentally, economically, equitably, and socially sustainable to accommodate future growth needs of all residents, while safeguarding rural land.
- d. Emphasize redevelopment of underutilized corridors.
- e. Maximize redevelopment on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.
- f. Pursue strategies to activate large undeveloped landholdings within the Urban Service Area.

**Goal 2:** Support the agricultural economy, horse farms, general agricultural farms, local food production, ag-tech, and the rural character of the Rural Service Area.

**Objectives:**

- a. Protect and enhance the natural, cultural, historic, and environmental resources of Lexington-Fayette County's Rural Service Area and Bluegrass farmland to help promote the general agricultural brand and ensure Lexington-Fayette County remains the Horse Capital of the World.
- b. Support the Purchase of Development Rights and private sector farmland conservation programs to protect, preserve, and enhance our signature agricultural industries, historic structures, cultural landscapes, natural environments, and community welfare.

**Goal 3:** Maintain the current boundaries of the Urban Service Area and Rural Activity Centers; and create no new Rural Activity Centers. Future decisions concerning the boundaries of the Urban Service Area and Rural Activity Centers, as well as creation of new Rural Activity Centers, will be determined by implementation of the process created pursuant to Goal 4.

**Goal 4:** Protect Lexington's invaluable rural resources and inform long-range planning by building on the work of the Sustainable Growth Task Force and the Goal 4 Workgroup to create a data-driven process for determining long-term land use decisions involving the Urban Service Boundary and Rural Activity Centers.

- a. Ensure this process preserves the Urban Service Area concept, even if the boundary of the Urban Service Area is altered.
- b. Create a process that is informed by robust public and stakeholder engagement and is built upon a thorough research-based foundation.
- c. Make certain this new process informs long-range planning for infrastructure, community facilities, and economic development, while protecting Lexington's invaluable rural resources and continuing to focus on infill, redevelopment and land use efficiency as the continued primary objectives.
- d. Ensure outcomes of this process are fiscally sustainable, equitable, environmentally focused, multimodal, agriculturally supportive, and economically forward.
- e. Adopt the process as an amendment to the Comprehensive Plan.

### **Theme F – Implementing the Plan for Lexington-Fayette County and the Bluegrass**

**Goal 1:** Engage and educate the residents of Lexington-Fayette County in the planning process.

Objectives:

- a. Pursue all venues of communication, including, but not limited to, electronic and social media to involve advocates and stakeholders.
- b. Establish early and continuous communication with stakeholders.
- c. Ensure that community involvement includes renters, lower-income households, people who are experiencing homelessness, people of color, youth, and families, so they have a greater voice in the decision-making processes.
- d. Build on the On the Table initiative and continue to engage in partnerships with community organizations to reach underrepresented populations.

**Goal 2:** Implement the 2045 Comprehensive Plan.

Objectives:

- a. Utilize the annual Sustainable Growth Report update to establish and maintain Comprehensive Plan metrics.
- b. Maintain a website to host the metrics, updating the general public on progress while providing transparency and supporting data.
- c. Continue to update the Zoning Ordinance and development process to better address Lexington's growth and development needs.

**Goal 3:** Increase regional planning.

Objectives:

- a. Set the standard through leadership and engagement to identify and resolve regional issues.
- b. Support legislative efforts and cross-border actions that improve regional planning, including, but not limited to, developing regional policies; sharing information; and planning for regional systems of transportation, open space, water supply, and infrastructure.

**Urban County Council  
Special Committee of the Whole  
Table of Motions  
June 1, 2023**

Vice Mayor Wu called the meeting to order at 3:02pm. Council Members J. Brown, Ellinger, Fogle, LeGris, Monarrez, Sheehan, Gray, Worley, F. Brown, Baxter, Sevigny and Reynolds were present. Council Members Lynch and Plomin were absent.

I. Continued Discussion of Council Member Recommendations for Amendments to the 2045 Comprehensive Plan Goals and Objectives

Motion by LeGris to approve amending Theme D, Goal 1, Objective A to read as follows: Implement the Complete Streets policy, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit, and other vehicles. Seconded by Ellinger. Motion passed without dissent.

Motion by LeGris to approve amending Theme D, Goal 1, Objective D to read as follows: Improve traffic operation strategies, traffic calming, and safety for all users. Seconded by Sheehan. Motion passed without dissent.

Motion by LeGris to approve amending Theme D, Goal 1, Objective F to read as follows: Enhance transportation options that are affordable, equitable, and responsive to the needs of residents and that support their preferred or necessary mode of transportation "with an emphasis on sidewalk improvements and connectivity". Seconded by Sheehan. Motion passed without dissent as amended.

Motion by Reynolds to amend to add with an emphasis on sidewalk improvements and connectivity. Seconded by LeGris. Motion passed without dissent.

Motion by Sheehan to approve the addition of a new objective to Theme D, Goal 2: Ensure the provision of supportive services that meets the needs of the homeless population as well as interim and long term housing options. Seconded by Fogle. Motion passed without dissent.

Motion by Sevigny to approve amending Theme D, Goal 3, Objective C to read as follows: Develop incentives to retain, restore, preserve, and continue use of historic resources such as historic sites, rural settlements, and urban and rural neighborhoods. Seconded by Ellinger. Motion passed without dissent.

Motion by Sheehan to remove Objective D from Theme D, Goal 3. Seconded by Reynolds. Motion passed without dissent.

Motion by Sheehan to approve the addition of a new goal under Theme D: Promote, support, encourage and provide incentives for public art. Seconded by Reynolds. Motion passed without dissent.

Motion by Sheehan to approve the addition of a new objective to Theme D, Goal 4: Initiate and support public art through projects originated by the Public Arts Commission and

**EXHIBIT 2**

collaborative projects with LexArts and other neighborhood and community groups. Seconded by Gray. Motion passed without dissent.

Motion by Sheehan to approve the addition of a new objective to Theme D, Goal 4: Incentivize the addition of public art to new and existing spaces. Seconded by Reynolds. Motion passed without dissent.

Motion by Sheehan to approve the addition of a new objective to Theme D, Goal 4: Ensure public art is distributed equitably, enhancing and activating public and publicly accessible spaces, and providing a vehicle for communities to express their unique identity and culture. Seconded by Gray. Motion passed without dissent.

Motion by Sheehan to approve the addition of a new objective to Theme D, Goal 4: Maintain established public art. Seconded by Gray. Motion passed without dissent.

Motion by Worley to approve amending Theme E, Goal 1, Objective A to read as follows: Preserve the Urban Service Boundary concept, which is the first of its kind in the United States, and has been foundational in fiscally responsible planning and growth management in Lexington since 1958. Seconded by Baxter. Motion passed without dissent.

Motion by J. Brown to approve allowing a full motion to be made for Theme E, Goal 3 replacement including multiple objectives. Seconded by F. Brown. Motion passed without dissent.

Motion by Worley to approve amending the language in Theme E, Goal 3 and adding new Objectives A-D to read as follows:

Theme E, Goal 3: Through a robust public engagement process, the Urban County Council has identified a critical need for additional acreage inside the Urban Service Area for housing and job creation. The 2045 Comprehensive Plan shall maintain the Urban Service Area concept, but it is also this Plan's responsibility to meet existing needs and plan for future growth to meet the needs of our community through 2045.

New Objective A: The Planning Commission, in carrying out the land use element of this Comprehensive Plan, shall identify "no less than 2,700 acres but no more than" 5,000 acres for inclusion within the Urban Service Area. Properties that are contiguous to the current Urban Service Area, or have existing frontage on "corridors", arterials and collector roadways, or with common ownership of such parcels should be given priority for inclusion.

New Objective B: Plan growth along major transportation and federal highway corridors. The Planning Commission should consider for said acreage ~~the area south of I-64, north of Athens Boonesboro Road, or generally proximate thereto,~~ that which has been identified as capable of meeting infrastructure requirements for growth and is contained within Lexington's major transportation corridors. This area is also limited with the recognition of the community's desire to ensure Lexington remains the Horse Capital of the World.

New Objective C: By July 1, 2024-December 1, 2024, adopt a new Expansion Area Master Plan to ensure the above acreage is responsibly developed while balancing the integrity of our agricultural land and the clear need for additional acreage to address Lexington's housing and economic development requirements. To ensure coordinated development, the masterplan should plan for infrastructure, community facilities, and land uses that include a variety of housing types, "with a focus on low and middle income housing types", and a wide array of

employment opportunities. A lack of a completed Expansion Area Master Plan as of said date shall not preclude the inclusion in the Urban Services Area of properties meeting the aforementioned description by way of zone map amendments. "Completion of this masterplan shall be the priority of the work of the Division of Planning to ensure timely adoption and implementation of critical needs identified."

New Objective D: Future decisions concerning the boundaries of the Urban Service Area and Rural Activity Center, as well as creation of new Rural Activity Centers, will be determined by implementation of the process created pursuant to Goal 4. Seconded by Baxter. Motion passed 10-3 as amended. J. Brown, Ellinger, Fogle, Monarrez, Sheehan, Gray, Worley, F. Brown, Baxter and Reynolds voted yes. Wu, LeGris and Sevigny voted no.

Motion by Wu to amend Theme E, Goal 3 to add "If the new process as outlined in Theme E Goal 4 is not presented to Council for approval by August 31, 2024, Council shall charge the Planning Commission with identifying 5,000 acres for inclusion within the Urban Service Area." Seconded by Sevigny. Motion failed 5-8. Wu, LeGris, Sheehan, Sevigny and Reynolds voted yes. J. Brown, Ellinger, Fogle, Monarrez, Gray, Worley, F. Brown and Baxter voted no.

Motion by Sevigny to amend new Objective A to change "shall identify 5,000 acres" to "no less than 2,700 acres but no more than 5,000 acres." Seconded by Ellinger. Motion passed 12-1. Wu, J. Brown, Ellinger, Fogle, Monarrez, Sheehan, Gray, Worley, F. Brown, Baxter, Sevigny and Reynolds voted yes. LeGris voted no.

Motion by Wu to amend new Objective A to add "corridors" before arterials. Seconded by Ellinger. Motion passed without dissent.

Motion by Sevigny to amend new Objective B to remove "the area south of I 64, north of Athens Boonesboro Road, or generally proximate thereto,". Seconded by Ellinger. Motion passed without dissent.

Motion by Ellinger to amend new Objective C to change the date to December 1, 2024. Seconded by J. Brown. Motion passed without dissent.

Motion by LeGris to amend Theme E, Goal 3, new Objective C to strike: A lack of a completed Expansion Area Master Plan as of said date shall not preclude the inclusion in the Urban Services Area of properties meeting the aforementioned description by way of zone map amendments. Seconded by Sevigny. Motion failed 4-9. Wu, LeGris, Sheehan and Sevigny voted yes. J. Brown, Ellinger, Fogle, Monarrez, Gray, Worley, F. Brown, Baxter and Reynolds voted no.

Motion by LeGris to amend Theme E, Goal 3, new Objective C to add "with a focus on low-middle income housing types" after a variety of housing types. Seconded by Sheehan. Motion passed 10-3. Wu, J. Brown, Ellinger, Fogle, LeGris, Sheehan, Worley, Baxter, Sevigny and Reynolds voted yes. Monarrez, Gray and F. Brown voted no.

Motion by J. Brown to amend Theme E, Goal 3, new Objective C to replace "A lack of a completed Expansion Area Master Plan as of said date shall not preclude the inclusion in the Urban Services Area of properties meeting the aforementioned description by way of

zone map amendments” with “Completion of this masterplan shall be the priority of the work of the Division of Planning to ensure timely adoption and implementation of critical needs identified.” Seconded by Gray. Motion passed 7-5. Wu, J. Brown, Ellinger, LeGris, Sheehan, Gray and Sevigny voted yes. Monarrez, Worley, F. Brown, Baxter and Reynolds voted no. Fogle did not vote.

Motion by Sevigny to amend Theme E, Goal 3, new Objective D This and future decisions concerning the boundaries of the Urban Service Area and Rural Activity Center, as well as creation of new Rural Activity Centers, may be determined by implementation of the process created pursuant to Goal 4. Seconded by Wu. Motion failed 2-11. Wu and Sevigny voted yes. J. Brown, Ellinger, Fogle, LeGris, Monarrez, Sheehan, Gray, Worley, Brown, Baxter and Reynolds voted no.

Motion by Wu to approve Theme E Goal 4 to read as follows: Protect Lexington’s invaluable rural resources and inform long-range planning for housing, infrastructure, community facilities, and economic development by finalizing the work of the Sustainable Growth Task Force and the Goal 4 Workgroup and creating and adopting a new process, to include robust public input and a public hearing, for determining long-term land use decisions involving the Urban Service Boundary and Rural Activity Centers. Seconded by LeGris. Motion passed without dissent.

Motion by Wu to amend Theme E, Goal 4 to add new Objectives before the current Objectives A-E as follows:

Theme E, Goal 4, new Objective A: ~~Upon adoption of the Goals and Objectives by Council and in consideration that possible expansion is warranted at this time, the Planning Commission shall work to finalize the new process and send its recommendations for the new process to Council for approval by August 31, 2024 by August 31, 2026.~~

~~Theme E, Goal 4, new Objective B: The Mayor and Council will appoint and confirm a Growth Management Evaluation Task Force (known in the Goal 4 Report as the Urban Service Area Evaluation Task Force) and the Task Force is to convene at least once by August 31, 2024.~~

Theme E, Goal 4, new Objective C: Upon adoption of the new process by Council, the new process shall immediately be implemented by the Growth Management Evaluation Task Force. Seconded by Baxter. Motion failed 3-10 as amended. Wu, LeGris and Sevigny voted yes. J. Brown, Ellinger, Fogle, Monarrez, Sheehan, Gray, Worley, F. Brown, Baxter and Reynolds voted no.

Motion by Baxter to amend Theme E, Goal 4, new Objective A to “and in consideration that possible expansion is warranted at this time”. Seconded by Sheehan. Motion passed without dissent.

Motion by Worley to amend Theme E, Goal 4, new Objective A to strike “Upon adoption of the Goals and Objectives by Council” and “by August 31, 2024”. Seconded by Gray. Motion passed without dissent.

Motion by Wu to amend Theme E, Goal 4, new Objective A to add “by August 31, 2026”. Seconded by Reynolds. Motion passed 12-1. Wu, J. Brown, Ellinger, Fogle, LeGris, Monarrez, Sheehan, Gray, Worley, Baxter, Sevigny and Reynolds voted yes. F. Brown voted no.

Motion by Worley to amend Theme E, Goal 4 to strike new Objective B: "The Mayor and Council will appoint and confirm a Growth Management Evaluation Task Force (known in the Goal 4 Report as the Urban Service Area Evaluation Task Force) and the Task Force is to convene at least once by August 31, 2024." And strike "by the Growth Management Evaluation Task Force" from Theme E, Goal 4, new Objective C. Seconded by Sheehan. Motion passed without dissent.

Motion by Sheehan to amend Theme E, Goal 4, Objective E to read as follows: ~~Adopt the process as an amendment to the Comprehensive Plan and immediately implement the process.~~ Incorporate Urban County Council input, and adopt the process as an amendment to the elements of the Comprehensive Plan by August 1, 2026, and establish a mechanism to immediately implement the process.. Seconded by Gray. Motion passed without dissent as amended.

Motion by Worley to amend Theme E, Goal 4, Objective E as follows: Incorporate Urban County Council input, and adopt the process as an amendment to the elements of the Comprehensive Plan by August 1, 2026, and establish a mechanism to immediately implement the process. Seconded by Wu. Motion passed without dissent.

Motion by Gray to approve the addition of a new Objective to Theme F, Goal 1: Ensure Lexington's complex and technical planning efforts, policies, documents, and plans are written at a basic reading level, with concrete wording, along with clarification when the meaning of a word differs, so residents understand all materials and strategies. Seconded by Worley. Motion passed without dissent.

Motion by Reynolds to amend Theme F, Goal 3 to read as follows: Increase regional planning to ensure greater collaboration and stewardship of shared resources. Seconded by Baxter. Motion passed without dissent.

Motion by LeGris to amend Theme F, Goal 3, Objective B to read as follows: Support legislative efforts and cross-county actions that improve regional planning, including, but not limited to, developing regional policies; sharing information; and planning for regional systems of transportation, open space, water supply, and infrastructure. Seconded by Baxter. Motion passed without dissent.

Council Member Sheehan asked if the Planning Department would be agreeable to adding an Acknowledgement Section to read:

*Since the adoption of the 2018 Comprehensive Plan there have been numerous projects, committees, taskforces, and community initiatives that have advanced the work identified in the plan. These Imagine Lexington 2045 Goals and Objectives represent the work of many organizations and individuals. Language and ideas from the following project teams have provided vital contributions and Lexington is indebted to all of the people who were involved.*

- *Public Engagement Toolkit*
- *Mayor's Commission on Racial Justice and Equality Report*
- *Neighborhoods in Transition Taskforce Report*
- *Imagine Lexington 2045 – Public Input Report*
- *Sustainable Growth Taskforce Existing Conditions & Growth Trends Report*

- *Goal 4 Workgroup Report*
- *American Planning Association - Planning for Equity Policy Guide*
- *Rural Land Management Board*

The meeting adjourned at 7:45pm.

SAM, 6/6/23



**Imagine Lexington 2045 Goals & Objectives**  
**FINAL PLANNING COMMISSION RECOMMENDATION 2.23.23 – CLEAN COPY**

**Preamble**

To ensure that long range planning policies and other urban growth boundary issues address the expected needs for new urban development and equitably contribute to the health and prosperity of Lexington-Fayette County, these goals and objectives have been drafted based upon ~~the projected community needs of today with the confidence that they an~~ evaluation of existing conditions, robust public input, examination of land use planning best practices, review of current local plans and documents, and the projected community needs for the future. While these goals and objectives look forward to 2045, they will continue to be reviewed and revised as necessary on the five-year review cycle mandated by state statute. Anytime in the interim, the Planning Commission may recommend that Council amend the Goals and Objectives, and any recommendation shall be presented for consideration, amendment, and adoption by the Council.

**Mission Statement**

The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community’s resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, promoting job growth opportunities for all residents, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

**Theme A - Growing & Sustaining Successful Neighborhoods**

**Goal 1: Expand housing choices.**

Objectives:

- a. Pursue incentives and regulatory approaches that encourage creativity, energy efficiency, and sustainability in housing development.
- b. Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density, and mixture of housing types.
- c. Plan for safe, affordable, and accessible housing to meet the needs of ~~older and/or disadvantaged~~ residents Lexington’s aging population and residents with disabilities.
- d. Create and implement housing incentives that strengthen the opportunities for higher-density and housing affordability.
- e. Improve access to stable long-term housing for those experiencing homelessness.
- d.f. Explore opportunities for unused and underused publicly owned land to be developed for affordable housing developments.

**Goal 2: Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.**

Objectives:

- a. Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.
- b. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form.

- c. Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.
- d. Encourage infill and redevelopment through the creation and implementation of innovative programs such as the Lexington Infrastructure Fund, regulatory changes, development incentives, optional off-site mitigation funds, and other methods.
- e. Create materials ~~that~~ about the Comprehensive Plan and do outreach to educate the public about infill and redevelopment.

**Goal 3:** Provide well-designed neighborhoods and communities.

Objectives:

- a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County.
- b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.
- c. Minimize disruption of natural features when building new communities.
- d. Encourage the use of neighborhood-enhancing elements, such as green infrastructure, street trees, neighborhood-serving businesses, gathering spaces and other types of community focal points.
- ~~d.e.~~ Improve Lexington's transportation network through ample street and sidewalk connections between new and existing development.

**Goal 4:** Address community facilities at a neighborhood scale.

Objectives:

- a. Incorporate schools, libraries, parks, greenways, and other community-focused educational and recreational facilities into neighborhoods in order to maximize safe routes for all pedestrians and bicyclists.
- b. Plan for equitable and accessible social services and healthcare facilities that address the needs of all residents, maximizing the opportunity to reach geographically underserved areas throughout the community.
- c. Establish and promote road network connections in order to reduce police, EMS, and fire response times and improve efficiency and operations of city services.

**Goal 5:** Ensure equitable development and rectify Lexington's segregation by race and socioeconomic status caused by historic planning practices and policies.

Objectives:

- a. Take an actively anti-racist approach to land use policy, with the purpose of integrated, walkable, transit-accessible neighborhoods for all residents.
- b. Protect existing housing affordability for all and expand low- and middle-income housing across the city.
- c. Ensure that public infrastructure investment in vulnerable areas provides benefits to that community and actively avoids, minimizes, or mitigates the disparate impact and displacement of vulnerable populations.
- d. Develop new enforcement and housing programs and revise existing policies to prioritize the health, wellbeing, and protection of at-risk homeowners and renters.
- e. Implement and develop innovative programs, such as land banks, the Affordable Housing Fund, community land trusts, or other methods to subsidize affordable housing.

- f. Update zoning regulations to allow for greater density, supply, and affordability.
- f.g. Provide an ongoing and contextualized educational curriculum on historical planning practices and policies, acknowledging their impact on marginalized neighborhoods in Lexington.

## Theme B – Protecting the Environment

**Goal 1:** Protect water resources by improving urban stormwater and sanitary sewer infrastructure.

### Objectives:

- a. Continue to implement sanitary sewer Consent Decree programs (remedial measures, capacity assurance, management, operation and maintenance.)
- b. Protect and improve water quality through the development of cost-sharing and grant programs to assist homeowners, neighborhoods, and developers.
- c. Retrofit stormwater infrastructure to improve water quantity and quality concerns.
- d. Continue to develop protections for watersheds, including installation of elements to improve and protect water quality, reforestation appropriate areas, and improving aesthetic and educational experiences.
- e. Provide an ongoing educational curriculum that focuses on sustainable planning, development, and at-home behaviors to help build a culture focused on creating a more resilient, equitable, and livable future for all.
- d.f. Ensure stormwater and sanitary sewer infrastructure is placed in the most efficient and effective location to serve its intended purpose.

**Goal 2:** Identify and mitigate local impacts of climate change by tracking and reducing Lexington-Fayette Urban County's carbon footprint and greenhouse gas emissions, and commit to community-wide net zero greenhouse gas emissions by the year 2050.

### Objectives:

- a. Continue programs and initiatives to track and improve energy efficiency and reduce greenhouse gasses, and prioritize reducing, reusing, and recycling.
- b. Identify and assess potential climate change local impacts, including but not limited to, temperature, precipitation, extreme weather, agriculture, and human health.
- c. Develop incentives and update regulations for green building, sustainable development, and transit-oriented development with civic agencies leading by example.
- d. Prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence.

**Goal 3:** Apply environmentally sustainable practices to protect, conserve, and restore landscapes and natural resources.

### Objectives:

- a. Support the funding, planning and management of a green infrastructure program.
- b. Identify and protect natural resources, and landscapes before development occurs.
- c. Incorporate environmental equity and green infrastructure principles in new plans and policies.
- d. Coordinate intragovernmental planning, funding, programs, and activities across LFUCG departments and divisions; ensuring that all planning and operational activities that impact the protection, conservation, and restoration of landscapes, natural resources, and our natural environment are aligned and complementary.
- e. Incentivize green infrastructure practices in the design of new development.
- f. Promote, maintain, and expand the urban forest throughout Lexington.

## Theme C – Creating Jobs & Prosperity

**Goal 1:** Support and showcase local assets to further the creation of a variety of jobs.

### Objectives:

- a. Strengthen efforts to develop a variety of job opportunities that support a living wage and lead to prosperity for all.
- b. Strengthen regulations and policies that propel the agricultural economy, including, but not limited to, local food production and distribution, agritourism, and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World.
- c. Collaborate with, institutions of higher learning to foster a capable and skilled workforce, while engaging agencies that address the lack of prosperity for residents by reducing joblessness.
- d. Encourage development that promotes and enhances tourism.
- e. Encourage developers of government-funded or subsidized projects to employ residents in the vicinity.

**Goal 2:** Attract ~~the world's finest jobs~~ a wide array of employment opportunities that, encourage an entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity, equity, and inclusion in our community.

### Objectives:

- a. Prioritize the success and growth of strategically-targeted employment sectors (healthcare, education, high-tech, advanced manufacturing, agribusiness, agritourism, and the like), and enable infill and redevelopment that creates jobs where people live.
- b. Improve opportunities for small business development through the encouragement of incubator spaces, home-based businesses, shared work opportunities, and government-led programs to educate entrepreneurs, particularly for people of color and underserved communities.
- c. Review and improve regulations and policies that attract and retain high paying jobs through close collaboration with agencies that focus on economic development.
- d. Provide entertainment and other quality of life opportunities that attract and retain young, and culturally diverse professionals, and a workforce of all ages and talents to Lexington.
- e. Encourage minority businesses to locate in areas that have experienced displacement and gentrification by creating incentives and removing barriers to entry.
- d.f. Encourage land development that attracts, expands, and retains jobs in employment sectors that provide upward mobility and prosperity for all and prioritizes identifying land opportunities for job creation and housing needs.

**Goal 3:** Identify and update land use policies and regulations to improve economic mobility and related socio-economic and health issues.

### Objectives:

- a. Create and implement mechanisms for low, moderate, and middle income residents to access affordable and equitable home financing options ~~to enable them to "get on the property ladder" and accumulate intergenerational wealth~~ for those who desire to own a home.
- b. Collaborate with developers, commercial entities, and non-profits to ~~eliminate food deserts throughout the county and ensure food security, providing that all residents have easy access to affordable and nutritious food.~~
- c. Create a central coordinating function for all social services in the county, including non-profit, faith-based, and governmental services.

Goal 4: Continue to identify, provide and sustain readily available publicly-controlled economic development land to meet Fayette County's need for jobs, amending the Comprehensive Plan as necessary to ensure it remains an up-to-date and workable framework for economic development.

**Theme D – Improving a Desirable Community**

**Goal 1: Work to achieve an effective, equitable, and comprehensive transportation system.**

Objectives:

- a. ~~Support~~ Implement the Complete Streets ~~concept~~ policy, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit, and other vehicles.
- b. Expand the network of accessible transportation options for residents and commuters, which may include the use of mass transit, bicycles, walkways, ridesharing, greenways, and other strategies.
- c. Concentrate efforts to enhance mass transit along our corridors in order to facilitate better service for our growing population, as well as efficiencies in our transit system.
- d. Improve traffic operation strategies, traffic calming, and safety for all users.
- e. Provide the infrastructure to promote and encourage electric vehicles throughout Lexington.
- f. Enhance transportation options ~~throughout the county~~ that are affordable, equitable, and responsive to the ~~identified needs and desires of the intended users, especially individuals and families without access to automobiles~~ needs of residents and that support their preferred or necessary mode of transportation, with an emphasis on sidewalk improvements and connectivity.

**Goal 2: Support a model of development that focuses on people-first to meet the health, safety, and quality of life needs of Lexington-Fayette County's residents and visitors.**

Objectives:

- a. Ensure built and natural environments are safe and accessible through activated and engaging site design.
- b. Collaborate with educational and healthcare entities to meet the needs of Lexington-Fayette County's residents and visitors.
- c. Collaborate with service providers about how their community facilities should enhance existing neighborhoods.
- d. Monitor and evaluate newly passed parking regulations to ensure they are achieving more walkable, people-first development, and lowering development costs.
- ~~d.e.~~ Ensure the provision of supportive services that meets the needs of the homeless population as well as interim and long term housing options.

**Goal 3: Protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image.**

Objectives:

- a. Protect historic resources and archaeological sites.
- b. Incentivize the renovation, restoration, development and maintenance of historic residential and commercial structures.
- c. Develop incentives to retain, restore, preserve and continue use of historic resources such as historic sites and structures, rural settlements and urban and rural neighborhoods.
- ~~d. Promote, support, encourage, and provide incentives for public art.~~

**Goal 4: Promote, support, encourage and provide incentives for public art.****Objectives:**

- a) Initiate and support public art through projects originated by the Public Arts Commission and collaborative projects with LexArts and other neighborhood and community groups.
- b) Incentivize the addition of public art to new and existing spaces.
- c) Ensure public art is distributed equitably, enhancing and activating public and publicly accessible spaces, and providing a vehicle for communities to express their unique identity and culture.
- d) Maintain established public art.

**Theme E – Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land****Goal 1: Uphold the Urban Service Area concept.**

- a. Preserve the Urban Service Boundary concept, which is the first of its kind in the United States, and has been foundational in fiscally responsible planning and growth management in Lexington since 1958.
- b. Continue to monitor the absorption of vacant and underutilized land within the Urban Service Area
- c. Ensure all types of development are environmentally, economically, equitably, and socially sustainable to accommodate future growth needs of all residents, while safeguarding rural land.
- d. Emphasize redevelopment of underutilized corridors.
- e. Maximize redevelopment on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.
- f. Pursue strategies to activate large undeveloped landholdings within the Urban Service Area.

**Goal 2: Support the agricultural economy, horse farms, general agricultural farms, local food production, ag-tech, and the rural character of the Rural Service Area.**

**Objectives:**

- a. Protect and enhance the natural, cultural, historic, and environmental resources of Lexington-Fayette County's Rural Service Area and Bluegrass farmland to help promote the general agricultural brand and ensure Lexington-Fayette County remains the Horse Capital of the World.
- b. Support the Purchase of Development Rights and private sector farmland conservation programs to protect, preserve, and enhance our signature agricultural industries, historic structures, cultural landscapes, natural environments, and community welfare.

~~**Goal 3: Maintain the current boundaries of the Urban Service Area and Rural Activity Centers; and create no new Rural Activity Centers. Future decisions concerning the boundaries of the Urban Service Area and Rural Activity Centers, as well as creation of new Rural Activity Centers, will be determined by implementation of the process created pursuant to Goal 4.**~~ Through a robust public engagement process, the Urban County Council has identified a critical need for additional acreage inside the Urban Service Area for housing and job creation. The 2045 Comprehensive Plan shall maintain the Urban Service Area concept, but it is also this Plan's responsibility to meet existing needs and plan for future growth to meet the needs of our community through 2045.

**Objectives:**

- a) The Planning Commission, in carrying out the land use element of this Comprehensive Plan, shall identify no less than 2,700 acres but no more than 5,000 acres for inclusion within the Urban Service Area. Properties that are contiguous to the current Urban Service Area, or have existing frontage on corridors, arterials and collector roadways, or with common ownership of such parcels should be given priority for inclusion.

- b) Plan growth along major transportation and federal highway corridors. The Planning Commission should consider for said acreage that which has been identified as capable of meeting infrastructure requirements for growth and is contained within Lexington’s major transportation corridors. This area is also limited with the recognition of the community’s desire to ensure Lexington remains the Horse Capital of the World.
- c) By December 1, 2024, adopt a new Expansion Area Master Plan to ensure the above acreage is responsibly developed while balancing the integrity of our agricultural land and the clear need for additional acreage to address Lexington’s housing and economic development requirements. To ensure coordinated development, the master plan should plan for infrastructure, community facilities, and land uses that include a variety of housing types, with a focus on low and middle income housing types, and a wide array of employment opportunities. Completion of this master plan shall be the priority of the work of the Division of Planning to ensure timely adoption and implementation of critical needs identified.
- d) Future decisions concerning the boundaries of the Urban Service Area and Rural Activity Center, as well as creation of new Rural Activity Centers, will be determined by implementation of the process created pursuant to Goal 4.

**Goal 4:** Protect Lexington’s invaluable rural resources and inform long-range planning for housing, infrastructure, community facilities, and economic development by building on finalizing the work of the Sustainable Growth Task Force and the Goal 4 Workgroup to create a data-driven and creating and adopting a new process, to include robust public input and a public hearing, for determining long-term land use decisions involving the Urban Service Boundary and Rural Activity Centers.

- a. Ensure this process preserves the Urban Service Area concept, even if the boundary of the Urban Service Area is altered.
- b. Create a process that is informed by robust public and stakeholder engagement and is built upon a thorough research-based foundation.
- c. Make certain this new process informs long-range planning for infrastructure, community facilities, and economic development, while protecting Lexington’s invaluable rural resources and continuing to focus on infill, redevelopment and land use efficiency as the continued primary objectives.
- d. Ensure outcomes of this process are fiscally sustainable, equitable, environmentally focused, multimodal, agriculturally supportive, and economically forward.
- e. Incorporate Urban County Council input, and ~~Adopt~~ adopt the process as an amendment to the elements of the Comprehensive Plan by August 1, 2026 and establish a mechanism to immediately implement the process.

**Theme F – Implementing the Plan for Lexington-Fayette County and the Bluegrass**

**Goal 1:** Engage and educate the residents of Lexington-Fayette County in the planning process.

Objectives:

- a. Pursue all venues of communication, including, but not limited to, electronic and social media to involve advocates and stakeholders.
- b. Establish early and continuous communication with stakeholders.
- c. Ensure that community involvement includes renters, lower-income households, people who are experiencing homelessness, people of color, youth, and families, so they have a greater voice in the decision-making processes.
- d. Build on the On the Table initiative and continue to engage in partnerships with community organizations to reach underrepresented populations.

d.e. Ensure Lexington's complex and technical planning efforts, policies, documents, and plans are written at a basic reading level, with concrete wording, along with clarification when the meaning of a word differs, so residents understand all materials and strategies.

**Goal 2: Implement the 2045 Comprehensive Plan.**

**Objectives:**

- a. Utilize the annual Sustainable Growth Report update to establish and maintain Comprehensive Plan metrics.
- b. Maintain a website to host the metrics, updating the general public on progress while providing transparency and supporting data.
- c. Continue to update the Zoning Ordinance and development process to better address Lexington's growth and development needs.

**Goal 3: Increase regional planning to ensure greater collaboration and stewardship of shared resources.**

**Objectives:**

- a. Set the standard through leadership and engagement to identify and resolve regional issues.
- b. Support legislative efforts and cross-border county actions that improve regional planning, including, but not limited to, developing regional policies; sharing information; and planning for regional systems of transportation, open space, water supply, and infrastructure.

**Acknowledgement Section:**

Since the adoption of the 2018 Comprehensive Plan there have been numerous projects, committees, taskforces, and community initiatives that have advanced the work identified in the plan. These Imagine Lexington 2045 Goals and Objectives represent the work of many organizations and individuals. Language and ideas from the following project teams have provided vital contributions and Lexington is indebted to all of the people who were involved.

- Public Engagement Toolkit
- Mayor's Commission on Racial Justice and Equality Report
- Neighborhoods in Transition Taskforce Report
- Imagine Lexington 2045 – Public Input Report
- Sustainable Growth Taskforce Existing Conditions & Growth Trends Report
- Goal 4 Workgroup Report
- American Planning Association - Planning for Equity Policy Guide
- Rural Land Management Board



2045  
COMPREHENSIVE  
PLAN

**Imagine Lexington 2045 Goals and Objectives**  
**FINAL - ADOPTED BY URBAN COUNTY COUNCIL JUNE 15, 2023**

**Preamble**

To ensure that long range planning policies and other urban growth boundary issues address the expected needs for new urban development and equitably contribute to the health and prosperity of Lexington-Fayette County, these Goals and Objectives have been drafted based upon an evaluation of existing conditions, robust public input, examination of land use planning best practices, review of current local plans and documents, and the projected community needs for the future. While these Goals and Objectives look forward to 2045, they will continue to be reviewed and revised as necessary on the five-year review cycle mandated by state statute. Anytime in the interim, the Planning Commission may recommend that Council amend the Goals and Objectives, and any recommendation shall be presented for consideration, amendment, and adoption by the Council.

**Mission Statement**

The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, promoting job growth opportunities for all residents, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

**Theme A -- Growing and Sustaining Successful Neighborhoods**

**Goal 1: Expand housing choices.**

**Objectives:**

- a. Pursue incentives and regulatory approaches that encourage creativity, energy efficiency, and sustainability in housing development.
- b. Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.
- c. Plan for safe, affordable and accessible housing to meet the needs of Lexington's aging population and residents with disabilities.
- d. Create and implement housing incentives that strengthen the opportunities for higher-density and housing affordability.
- e. Improve access to stable long-term housing for those experiencing homelessness.
- f. Explore opportunities for unused and underused publicly owned land to be developed for affordable housing developments.

**Goal 2: Support infill and redevelopment throughout the urban service area as a strategic component of growth.**

**Objectives:**

- a. Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.
- b. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form.

- c. Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.
- d. Encourage infill and redevelopment through the creation and implementation of innovative programs such as the Lexington Infrastructure Fund, regulatory changes, development incentives, optional off-site mitigation funds, and other methods.
- e. Create materials about the Comprehensive Plan and do outreach to educate the public about infill and redevelopment.

**Goal 3:** Provide well-designed neighborhoods and communities.

**Objectives:**

- a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County
- b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.
- c. Minimize disruption of natural features when building new communities.
- d. Encourage the use of neighborhood-enhancing elements, such as green infrastructure, street trees, neighborhood-serving businesses, gathering spaces and other types of community focal points.
- e. Improve Lexington's transportation network through ample street and sidewalk connections between new and existing development.

**Goal 4:** Address community facilities at a neighborhood scale.

**Objectives:**

- a. Incorporate schools, libraries, parks, greenways, and other community-focused educational and recreational facilities into neighborhoods in order to maximize safe routes for all pedestrians and bicyclists.
- b. Plan for equitable and accessible social services and healthcare facilities that address the needs of all residents, maximizing the opportunity to reach geographically underserved areas throughout the community.
- c. Establish and promote road network connections to reduce police, EMS, and fire response times and improve efficiency and operations of city services.

**Goal 5:** Ensure equitable development and rectify Lexington's segregation by race and socioeconomic status caused by historic planning practices and policies.

**Objectives:**

- a. Take an actively anti-racist approach to land use policy, with the purpose of integrated, walkable, transit accessible neighborhoods for all residents.
- b. Protect existing housing affordability for all and expand low- and middle-income housing across the city.
- c. Ensure that public infrastructure investment in vulnerable areas provides benefits to that community and actively avoids, minimizes, or mitigates the disparate impact and displacement of vulnerable populations.
- d. Develop new enforcement and housing programs and revise existing policies to prioritize the health, wellbeing, and protection of at-risk homeowners and renters.
- e. Implement and develop innovative programs, such as land banks, the Affordable Housing Fund, community land trusts, or other methods to subsidize affordable housing.
- f. Update zoning regulations to allow for greater density, supply, and affordability.

- g. Provide an ongoing and contextualized educational curriculum on historical planning practices and policies, acknowledging their impact on marginalized neighborhoods in Lexington.

**THEME B – PROTECT THE ENVIRONMENT**

**Goal 1:** Protect water resources by improving urban stormwater and sanitary sewer infrastructure.

**Objectives:**

- a. Continue to implement sanitary sewer Consent Decree programs (remedial measures, capacity assurance, management, operation and maintenance).
- b. Protect and improve water quality through the development of cost-sharing and grant programs to assist homeowners, neighborhoods, and developers.
- c. Retrofit stormwater infrastructure to improve water quantity and quality concerns.
- d. Continue to develop protections for watersheds, including installation of elements to improve and protect water quality, reforestation appropriate areas, and improving aesthetic and educational experiences.
- e. Provide an ongoing educational curriculum that focuses on sustainable planning, development, and at-home behaviors to help build a culture focused on creating a more resilient, equitable, and livable future for all.
- f. Ensure stormwater and sanitary sewer infrastructure is placed in the most efficient and effective location to serve its intended purpose.

**Goal 2:** Identify and mitigate local impacts of climate change by tracking and reducing Lexington-Fayette County’s carbon footprint and greenhouse gas emissions, and commit to community-wide net zero greenhouse gas emissions by the year 2050.

**Objectives:**

- a. Continue programs and initiatives to track and improve energy efficiency and reduce greenhouse gasses, and prioritize reducing, reusing, and recycling.
- b. Identify and assess potential climate change local impacts, including but not limited to, temperature, precipitation, extreme weather, agriculture, and human health.
- c. Develop incentives and update regulations for green building, sustainable development, and transit-oriented development with civic agencies leading by example.
- d. Prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence.

**Goal 3:** Apply environmentally sustainable practices to protect, conserve and restore landscapes and natural resources.

**Objectives:**

- a. Support the funding, planning and management of a green infrastructure program.
- b. Identify and protect natural resources and landscapes before development occurs.
- c. Incorporate environmental equity and green infrastructure principles in new plans and policies.
- d. Coordinate intragovernmental planning, funding, programs and activities across LFUCG departments and divisions; ensuring that all planning and operational activities that impact the protection, conservation and restoration of landscapes, natural resources, and our natural environment are aligned and complementary.
- e. Incentivize green infrastructure practices in the design of new development.
- f. Promote, maintain, and expand the urban forest throughout Lexington.

**THEME C – CREATING JOBS AND PROSPERITY**

**Goal 1:** Support and showcase local assets to further the creation of a variety of jobs.

**Objectives:**

- a. Strengthen efforts to develop a variety of job opportunities that support a living wage and lead to prosperity for all.
- b. Strengthen regulations and policies that propel the agricultural economy, including, but not limited to, local food production and distribution, agritourism and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World.
- c. Collaborate with institutions of higher learning to foster a capable and skilled work force while engaging agencies that address the lack of prosperity for residents by reducing joblessness.
- d. Encourage development that promotes and enhances tourism.
- e. Encourage developers of government-funded or subsidized projects to employ residents in the vicinity.

**Goal 2:** Attract a wide array of employment opportunities that encourage an entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity, equity, and inclusion in our community.

**Objectives:**

- a. Prioritize the success and growth of strategically-targeted employment sectors (healthcare, education, high-tech, advanced manufacturing, agribusiness, agritourism, and the like), and enable infill and redevelopment that creates jobs where people live.
- b. Improve opportunities for small business development through the encouragement of incubator spaces, home-based businesses, shared work opportunities, and government-led programs to educate entrepreneurs, particularly for people of color and underserved communities.
- c. Review and improve regulations and policies that attract and retain high paying jobs through close collaboration with agencies that focus on economic development.
- d. Provide entertainment and other quality of life opportunities that attract and retain young, and culturally diverse professionals, and a work force of all ages and talents to Lexington.
- e. Encourage minority businesses to locate in areas that have experienced displacement and gentrification by creating incentives and removing barriers to entry.
- f. Encourage land development that attracts, expands, and retains jobs in employment sectors that provide upward mobility and prosperity for all and prioritizes identifying land opportunities for job creation and housing needs.

**Goal 3:** Identify and update land use policies and regulations to improve economic mobility and related socioeconomic and health issues.

**Objectives:**

- a. Create and implement mechanisms for low, moderate, and middle income residents to access affordable and equitable home financing options for those who desire to own a home.
- b. Collaborate with developers, commercial entities, and non-profits to ensure food security, providing residents access to affordable and nutritious food.
- c. Create a central coordinating function for all social services in the county, including non-profit, faith-based, and governmental services.

**Goal 4:** Identify, provide and sustain readily available publicly-controlled economic development land to meet Fayette County’s need for jobs, amending the comprehensive plan as necessary to ensure it remains an up-to-date & workable framework for economic development.

**THEME D – IMPROVING A DESIRABLE COMMUNITY.**

**Goal 1:** Work to achieve an effective, equitable, and comprehensive transportation system.

**Objectives:**

- a. Implement the Complete Streets policy, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles.
- b. Expand the network of accessible transportation options for residents and commuters, which may include the use of mass transit, bicycles, walkways, ride-sharing, greenways and other strategies.
- c. Concentrate efforts to enhance mass transit along our corridors in order to facilitate better service for our growing population, as well as efficiencies in our transit system.
- d. Improve traffic operation strategies, traffic calming, and safety for all users.
- e. Provide the infrastructure to promote and encourage electric vehicles throughout Lexington.
- f. Enhance transportation options that are affordable, equitable, and responsive to the needs of residents and that support their preferred or necessary mode of transportation, with an emphasis on sidewalk improvements and connectivity.

**Goal 2:** Support a model of development that focuses on people-first to meet the health, safety and quality of life needs of Lexington-Fayette County’s residents and visitors.

**Objectives:**

- a. Ensure built and natural environments are safe and accessible through activated and engaging site design.
- b. Collaborate with educational and healthcare entities to meet the needs of Lexington-Fayette County’s residents and visitors.
- c. Collaborate with service providers about how their community facilities should enhance existing neighborhoods.
- d. Monitor and evaluate newly passed parking regulations to ensure they are achieving more walkable, people-first development, and lowering development costs.
- e. Ensure the provision of supportive services that meets the needs of the homeless population, as well as interim and long term housing options.

**Goal 3:** Protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image.

**Objectives:**

- a. Protect historic resources and archaeological sites.
- b. Incentivize the renovation, restoration, development and maintenance of historic residential and commercial structures.
- c. Develop incentives to retain, restore, preserve and continue use of historic resources such as historic sites, rural settlements and urban and rural neighborhoods.

**Goal 4:** Promote, support, encourage and provide incentives for public art.

**Objectives:**

- a. Initiate and support public art through projects originated by the Public Arts Commission and collaborative projects with LexArts and other neighborhood and community groups.
- b. Incentivize the addition of public art to new and existing spaces.
- c. Ensure public art is distributed equitably, enhancing and activating public and publicly accessible spaces, and providing a vehicle for communities to express their unique identity and culture.
- d. Maintain established public art.

**THEME E - MAINTAINING A BALANCE BETWEEN PLANNING FOR URBAN USES AND SAFEGUARDING RURAL LAND**

**Goal 1:** Uphold the Urban Service Area concept.

**Objectives:**

- a. Preserve the Urban Service Boundary concept, which is the first of its kind in the United States, and has been foundational in fiscally responsible planning and growth management in Lexington since 1958.
- b. Continue to monitor the absorption of vacant and underutilized land within the Urban Service Area.
- c. Ensure all types of development are environmentally, economically, equitably, and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.
- d. Emphasize redevelopment of underutilized corridors.
- e. Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.
- f. Pursue strategies to activate large undeveloped landholdings within the Urban Service Area.

**Goal 2:** Support the agricultural economy, horse farms, general agricultural farms, local food production, ag-tech, and the rural character of the Rural Service Area.

**Objectives:**

- a. Protect and enhance the natural, cultural, historic and environmental resources of Lexington-Fayette County's Rural Service Area and Bluegrass farmland to help promote the general agricultural brand and ensure Lexington-Fayette County remains the Horse Capital of the World.
- b. Support the Purchase of Development Rights and private sector farmland conservation programs to protect, preserve and enhance our signature agricultural industries, historic structures, cultural landscapes, natural environments and community welfare.

**Goal 3:** Through a robust public engagement process, the Urban County Council has identified a critical need for additional acreage inside the Urban Service Area for housing and job creation. The 2045 Comprehensive Plan shall maintain the urban service area concept, but it is also this Plan's responsibility to meet existing needs and plan for future growth to meet the needs of our community through 2045.

**Objectives:**

- a. The Planning Commission, in carrying out the land use element of this Comprehensive Plan, shall identify no less than 2,700 acres but no more than 5,000 acres for inclusion within the Urban Service Area. Properties that are contiguous to the current Urban Service Area, or have existing frontage on corridors, arterials and collector roadways, or with common ownership of such parcels should be given priority for inclusion.
- b. Plan growth along major transportation and federal highway corridors. The Planning Commission should consider for said acreage that which has been identified as capable of meeting infrastructure requirements

for growth and is contained within Lexington's major transportation corridors. This area is also limited with the recognition of the community's desire to ensure Lexington remains the Horse Capital of the World.

- c. By December 1, 2024, adopt a new Expansion Area Master Plan to ensure the above acreage is responsibly developed while balancing the integrity of our agricultural land and the clear need for additional acreage to address Lexington's housing and economic development requirements. To ensure coordinated development, the master plan should plan for infrastructure, community facilities, and land uses that include a variety of housing types, with a focus on low and middle income housing types, and a wide array of employment opportunities. It is the intention of the Urban County Council that the new Expansion Area Master Plan include provisions for the construction, creation and/or funding of additional affordable housing units, as defined by the Federal Department of Housing and Urban Development, and middle income housing. As such, the Planning Commission shall recommend to the Urban County Council mechanisms to create, construct and/or fund affordable housing units and middle income housing in correlation to the development provided for in the Expansion Area Master Plan. Completion of this master plan shall be the priority of the work of the Division of Planning to ensure timely adoption and implementation of critical needs identified.
- d. Future decisions concerning the boundaries of the Urban Service Area and Rural Activity Center, as well as creation of new Rural Activity Centers, will be determined by implementation of the process created pursuant to Goal 4.

**Goal 4:** Protect Lexington's invaluable rural resources and inform long-range planning for housing, infrastructure, community facilities and economic development by finalizing on the work of the Sustainable Growth Task Force and the Goal 4 Workgroup to create a data-driven and creating and adopting a new-process, to include robust public input and a public hearing, for determining long-term land use decisions involving the Urban Service Boundary and Rural Activity Centers.

**Objectives:**

- a. Ensure this process preserves the Urban Service Area concept, even if the boundary of the Urban Service Area is altered.
- b. Create a process that is informed by robust public and stakeholder engagement and is built upon a thorough research-based foundation.
- c. Make certain this new process informs long-range planning for infrastructure, community facilities, and economic development, while protecting Lexington's invaluable rural resources and continuing to focus on infill, redevelopment and land use efficiency as the continued primary objectives.
- d. Ensure outcomes of this process are fiscally sustainable, equitable, environmentally focused, multimodal, agriculturally supportive, and economically forward.
- e. Incorporate Urban County Council input, and adopt the process as an amendment to the elements of the Comprehensive Plan by August 1, 2026 and establish a mechanism to immediately implement the process.

**THEME F -- IMPLEMENTING THE PLAN FOR LEXINGTON-FAYETTE COUNTY AND THE BLUEGRASS**

**Goal 1:** Engage and educate the residents of Lexington-Fayette County in the planning process.

**Objectives:**

- a. Pursue all venues of communication, including, but not limited to, electronic and social media to involve advocates and stakeholders.
- b. Establish early and continuous communication with stakeholders.

- c. Ensure that community involvement includes renters, lower-income households, people who are experiencing homelessness, people of color, youth, and families, so they have a greater voice in the decision-making processes.
- d. Build on the On the Table initiative and continue to engage in partnerships with community organizations to reach underrepresented populations.
- e. Ensure Lexington's complex and technical planning efforts, policies, documents, and plans are written at a basic reading level, with concrete wording, along with clarification when the meaning of a word differs, so residents understand all materials and strategies.

**Goal 2:** Implement the 2045 Comprehensive Plan.

**Objectives:**

- a. Utilize the annual Sustainable Growth Report update to establish and maintain Comprehensive Plan metrics.
- b. Maintain a website to host the metrics, updating the general public on progress while providing transparency and supporting data.
- c. Continue to update the Zoning Ordinance and development process to better address Lexington's growth and development needs.

**Goal 3:** Increase regional planning to ensure greater collaboration and stewardship of shared resources.

**Objectives:**

- a. Set the standard through leadership and engagement to identify and resolve regional issues.
- b. Support legislative efforts and cross-county actions that improve regional planning, including, but not limited to, developing regional policies; sharing information; and planning for regional systems of transportation, open space, water supply and infrastructure.

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June 1, 2023

**HAND DELIVERED**

Tracy Jones, Esq.  
LFUCG  
Department of Law  
200 E. Main Street  
Lexington, Kentucky 40507

Re: *Proposed Comprehensive Land Use Plan ("CLUP")*

Dear Ms. Jones:

I am representing Fayette Alliance and several property owners in close proximity to the 5,000 acres that may be added to the Urban Services Boundary ("USB") according to information we have received (and we are getting conflicting reports on what different Council Members may be proposed today). I am writing to you, as counsel to the Planning Commission and the Council. I believe it to be highly inappropriate for interested parties to be providing to Council members legal analyses of the issues before it rather than going through you, their attorney. My clients and I find it very troubling that those entities and individuals favoring an expansion of the USB have been giving to Council members a Memorandum prepared by an attorney who represents a number of developers and home builders, attempting to circumvent your legal advice to your clients.

More specifically, we believe that the rumored proposal of Council Members to amend the Planning Commission's recommendations on the CLUP to amend the Goals and Recommendations and to potentially add up to 5,000 acres is not legally permissible. To be very clear, if there is a violation of law that occurs during the vote of the Council today, my clients have authorized the immediate filing of a legal proceeding in which we will challenge the decision. Because of the intense lobbying of the Council members and the providing of legal advice to them by third parties (with which we disagree), it will likely be necessary during that litigation we depose each of the Council members to determine whether they have a conflict of interest, what representations or promises were made to them prior to the vote and whether the Open Meetings Act was violated. As is legally necessary, we will be making all Council members parties to the action.

In the "Imagine Lexington" presentation you made with Chris Woodall, you have made several of the same points as we are making here. For instance, in one of your slides headed "Comprehensive Plan & the Urban Services Area", you note "all decisions to expand the Urban Service boundary have been made by the Planning Commission". You have included under "Key Takeaways": "The Planning Commission makes decisions regarding the USB location and size to

**EXHIBIT 5**

the land use element of the Comprehensive Plan. All expansions and contractions have been decided by the Planning Commission through the Comprehensive Plan.” It is my understanding that the Planning Commission was very thorough in its analysis and study of land use in Fayette County and whether there is a need to expand the USB. Of course, any time one wants to argue for rezoning where it is not consistent with the existing CLUP, there is an intensive analysis related to traffic, sanitary sewer availability, compliance with the agreed order regarding storm water; water runoff, environmental issues, adjacent land use and soil studies. My understanding is the Planning Commission and its staff did such an intensive analysis. The final conclusion of the Planning Commission resulted in the proposed CLUP that has been recommended to the Council. On the other hand, the Council Members have done none of that intense analysis prior to certain Council Members making recommendations to revise the draft. In fact, due to lack of transparency, we have no idea what information (or disinformation) has been provided to the Council and upon which its members may be relying.

To get to the specific areas of concern:

**A. Authority of City Council to Amend Goals and Objectives of Comprehensive Plan**

KRS Chapter 100 addresses the establishment and revision of the CLUP. Here, the Planning Commission provided a draft statement of Goals and Objectives for the Comprehensive Plan. The Planning Commission’s draft did not include an expansion of the USB. When the Goals and Objectives went to the Council for review, Council member, Preston Worley, chopped up the proposal and has proposed an amendment that would have the practical effect of expanding the USB by 5,000 acres (and we hear others may be seeking to add a different number of acres). We do not believe the Council can amend the Goals and Objectives in this way.

KRS 100.183 states, “The planning commission of each unit shall prepare a comprehensive plan....” KRS 100.191 states “All elements of the comprehensive plan shall be based upon but not limited to, the following research, analysis, and projections....” KRS 100.191 then requires four types of research and analysis serve as the basis for all elements of the comprehensive plan.

KRS 100.193 outlines the basic responsibilities of the Planning Commission and the City Council. It reads, in part, “The planning commission of each planning unit shall prepare and adopt the statement of goals and objectives to act as a guide for the preparation of the remaining elements and the aids to implementing the plans. The statement shall be presented for consideration, *amendment*, and adoption by each legislative body and fiscal court in the planning unit.” (emphasis added). The statute continues, “Each legislative body and fiscal court in the planning unit may develop goals and objectives for the area within its jurisdiction which the planning commission shall consider when preparing or amending the comprehensive plan.” KRS 100.193(2).

We object to what we have heard about some of the Council Member’s amendments to the Goals and Objectives of the Comprehensive Plan due to the failure of the Council to base all elements of the Comprehensive Plan upon the research and analysis required by KRS 100.191. In this case, it appears that the Planning Commission is the party that did the research and it concluded

Vincent Higgs, Fayette Circuit Clerk

23-01-02251-0714-2022

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that the text we gather Councilman Worley has suggested to expand the USB (if true) was not justified or warranted and directly conflicts with the Planning Commission recommendation that the USB not be expanded. We are assuming Mr. Worley has provided no independent data or analysis to support his position.

Mr. Lear's memorandum distributed to the Council Members emphasized the word "element" throughout. It appears that he may be attempting to distinguish the Goals and Objectives from the "elements" of the Comprehensive Plan. This distinction is not justified. The term "element" is not defined in the applicable definition section of KRS Chapter 100. Therefore, the word "elements" should be given its everyday meaning. This interpretation is corroborated by the statute. KRS 100.193 states, "The planning commission of each planning unit shall prepare and adopt the statement of goals and objectives to act as a guide for the preparation of the *remaining* elements and the aids to implementing the plans." (emphasis added). The use of the word "remaining" means that the statute considers the statement of goals and objectives to be one element of the Comprehensive Plan, which shall be used as a guide for the remaining elements. Since all elements of the Comprehensive Plan must be prepared after gathering the required research and analysis set forth in KRS 100.191, it is clear that if a Council member suggests amending the Goals and Objectives, he or she must provide the research and analysis to justify his or her decision.

Further, the relevant statute provides that a comprehensive plan must consist of a number of "elements, of which Goals and Objectives is only one. A comprehensive plan must include, at a minimum:

- (1) A statement of goals and objectives, which shall serve as a guide for the physical development and economic and social well-being of the planning unit;
- (2) A land use plan element .....
- (3) A transportation plan element ....
- (4) A community facilities plan element ....
- (5) (a) Provisions for the accommodation of all military installations greater than or equal in area to three hundred (300) acres that are:
- (6) **The comprehensive plan may include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, regional impact, historic preservation, and other programs which in the judgment of the planning commission will further serve the purposes of the comprehensive plan.**

KRS 100.187.

The procedure for adopting a comprehensive plan is as follows:

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20-CJ-02261 07-14-2023

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Presiding Judge: HON. LUCY A. VANMETER (622386)

EXH 000003 of 000006

All elements of the comprehensive plan shall be prepared with a view towards carrying out the statement of goals and objectives. The various elements may be adopted as they are completed, or as a whole when all have been completed. **The planning commission shall hold a public hearing and adopt the elements.** The comprehensive plan elements, and their research basis, shall be reviewed from time to time in light of social, economic, technical, and physical advancements or changes. At least once every five (5) years, the commission shall amend or readopt the plan elements. It shall not be necessary to conduct a comprehensive review of the research done at the time of the original adoption pursuant to KRS 100.191, when the commission finds that the original research is still valid. The amendment or readoption shall occur only after a public hearing before the planning commission.

KRS 100.197(1) (emphasis added).

With regard to amending a comprehensive plan:

**A comprehensive plan cannot be adopted by the Planning Commission without compliance with the research requirements of KRS 100.191 and the holding of a public hearing as required by KRS 100.197. The procedure for amendment of the comprehensive plan is the same as for the adoption of the original plan. KRS 100.197.**

Hines v. Pinchback-Halloran Volkswagen, Inc., 513 S.W.2d 492, 493 (Ky. 1974) (emphasis added).

The “statutory scheme set out in KRS 100.197 requires the planning commission to hold a public hearing before adoption of the comprehensive plan.” Creative Displays, Inc. v. City of Florence, 602 S.W.2d 682, 683 (Ky. 1980) (emphasis added).

There must be **strict compliance** with the statutory scheme set forth in KRS Chapter 100, and substantial compliance is not enough to create a comprehensive plan. Id.

For example, in Gramex Corp. v. Lexington-Fayette Urban Cnty. Government, 973 S.W.2d 75, 78 (Ky. App. 1998), the Court of Appeals found that because the aggrieved property owner failed to file suit in the Fayette Circuit Court challenging the current validity and lack of update to the 1988 Lexington-Fayette County comprehensive plan as required by the terms of KRS 100.197(2), the property owner was prohibited from challenging the validity of the comprehensive plan in the current suit appealing the denial of landowner’s request for a zone change.

#### **B. Amendment of a Zoning Map.**

KRS 100.211 sets forth the procedure to amend a zoning map. It provides in relevant part:

- (2) (a) A proposal for a zoning map amendment may originate with the planning commission of the unit, with any fiscal court or legislative body which is a member of the unit, or with an owner of the property in question.
- (b) The proposed amendment shall be referred to the planning commission before adoption. The planning commission shall:
1. Hold at least one (1) public hearing after notice as required by this chapter; and
  2. Make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the various legislative bodies or fiscal courts involved.
- (c) 1. The planning commission shall make its recommendation within sixty (60) days of the date of the receipt of the administratively complete proposed amendment.
2. The originator of the proposed map amendment may waive the sixty (60) day requirement for the recommendation.
3. If the planning commission fails to make a recommendation upon the proposal within sixty (60) days of its receipt of the administratively complete proposed amendment and the time has not been waived by the originator, the application shall be forwarded to the fiscal court or legislative body without a recommendation of approval or disapproval.
- (d) Notwithstanding the provisions of paragraph (c) of this subsection:
1. The planning commission of a consolidated local government shall make its recommendation within one hundred twenty (120) days of the date of the receipt of the administratively complete proposed amendment;
  2. The originator of the proposed map amendment may waive the one hundred twenty (120) day requirement for the recommendation; and
  3. If the planning commission of a consolidated local government fails to make a recommendation upon the proposal within one hundred twenty (120) days of its receipt of the administratively complete proposed amendment, and the time has not been waived by the originator, the application shall be forwarded to the legislative body of the consolidated local government without a recommendation of approval or disapproval.

Tracy Jones, Esq.  
June 1, 2023  
Page 6

KRS 100.211(2) (emphasis added).

We are not certain of the effect of placing additional acres within the USB. It may effectively change its zone from A-R to A-U. Of course, with a change in zone, comes expanded primary and conditional uses, such as radio or television studios and offices; funeral homes; commercial outdoor recreational facilities; hospitals and nursing homes; and schools. We understand the proposal from Lexington for Everyone/Chamber of Commerce would effectively permit immediate applications for zone changes in the new USB addition, which is clearly objectionable.

Therefore, there may be an effective rezoning which has occurred without any consideration of the agricultural soils; the presence of scenic byways; historical districts; conservation easements; the expense of sewerage; and the agricultural viability of our part.

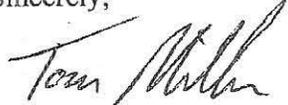
The area that is apparently proposed to be added to the USB on Winchester Road could not be at a worse location in Fayette County. In this and the surrounding area are some of the most productive and valuable soils in the Country. Much of the land in the area is being used for very productive agricultural purposes. It is in an area with scenic byways, historic districts, conservation easements, and is beyond beautiful. There has not been any consideration as to why, if the USB needs to be expanded (which we dispute) it is in this particular location. Again, the lack of transparency as to how this tract was selected and what studies were undertaken to pick it, raises innumerable questions that will need to be addressed with the public before a vote is taken.

#### CONCLUSION

If the Council intends to modify the Planning Commission's Recommendations amending the CLUP and then to expand the USB, it must follow the legal limitations imposed, send this back to the Planning Commission to do the appropriate studies to determine whether the USB should be expanded and, if yes, the number of acres and then the appropriate location. We hope the Council will follow the law when it votes today, but if it does not, we will be prepared to take the necessary action to challenge the decision.

To the extent you believe it to be appropriate, please share our concerns with Members of the Council before they vote.

Sincerely,

  
THOMAS W. MILLER

# imagine LEXINGTON

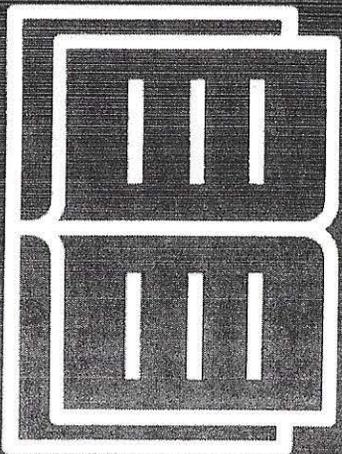
## Urban Service Boundary History and Purpose

CHRIS WOODALL, AICP  
MANAGER OF LONG RANGE PLANNING, CITY OF LEXINGTON

TRACY JONES  
ATTORNEY GENERAL, DEPARTMENT OF LAW

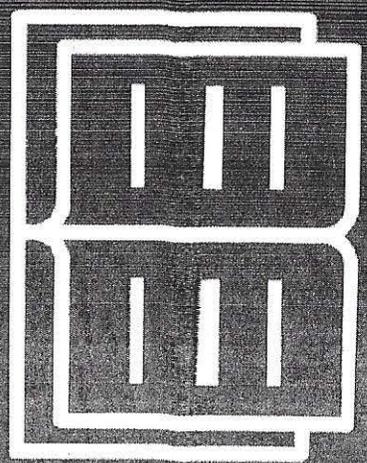
# Statutory Construction

- Two phases of the Comprehensive Plan
- Role of the Planning Commission
- Role of the Council



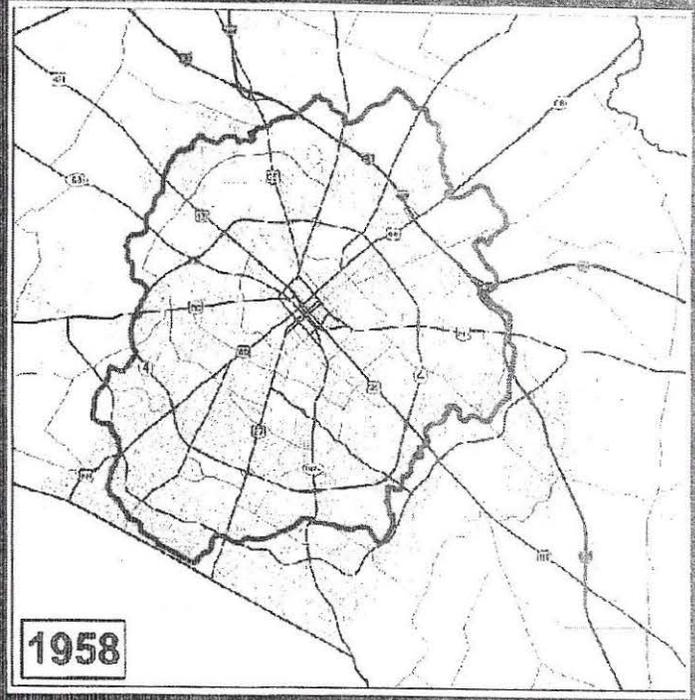
# Two phases of the Comprehensive Plan

- Goals & Objectives
- Elements



# Comprehensive Plan & the Urban Service Area

- It has changed over time through the comprehensive planning process



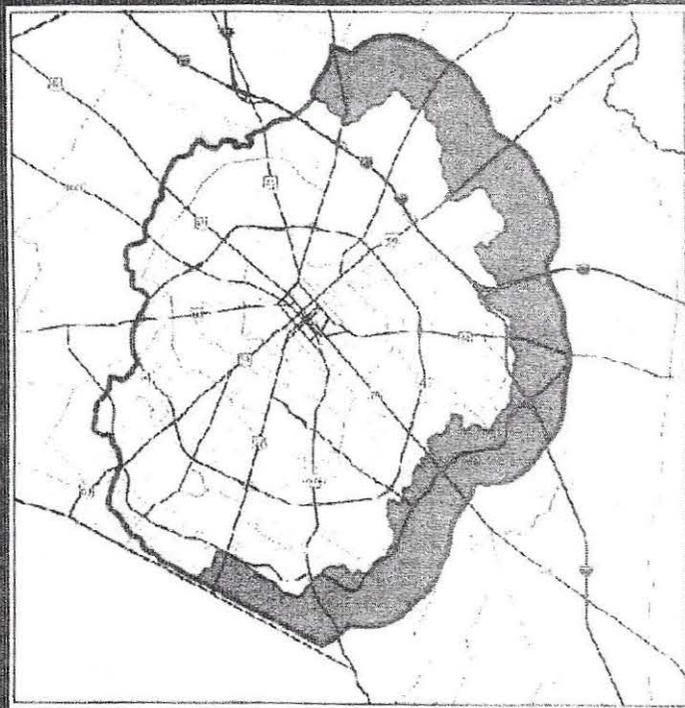
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# History of Planning Commission

- **1928:** Established first Planning Commission
- **1931:** Planning Commission adopts first Comprehensive Plan
- **1952:** Fayette County Fiscal Court gives the Planning Commission authority to zone the entire county

# 1964

- **RESULT:** Massive USA expansion (23 square miles – nearly 15,000 acres) was created through an amendment of the 1962 Interim Comprehensive Plan
- **REASONS:**
  - Developers/builders said the cost of providing housing was too much, though the USA was more than 60% undeveloped
  - Staff objected to the expansion
  - The original proposal by the PC was much larger, but got scaled down



SIZE: 92.5 square miles

# 1967

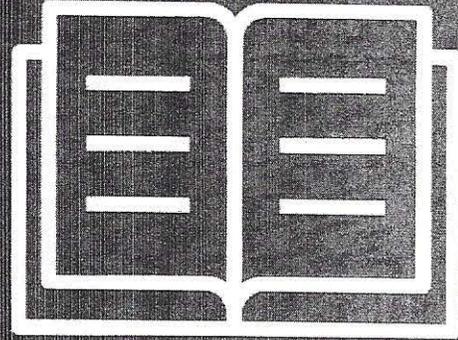
- **RESULT:** The 1964 large USA expansion was partially reduced by the Planning Commission through a newly adopted Comprehensive Plan
- **REASONS:**
  - There was outcry from the community in response to the 1964 expansion, particularly the equine industry.
  - The resulting USA was significantly smaller than the 1964 expansion, but larger than the 1962 interim plan USA.



**SIZE: 73 square miles**

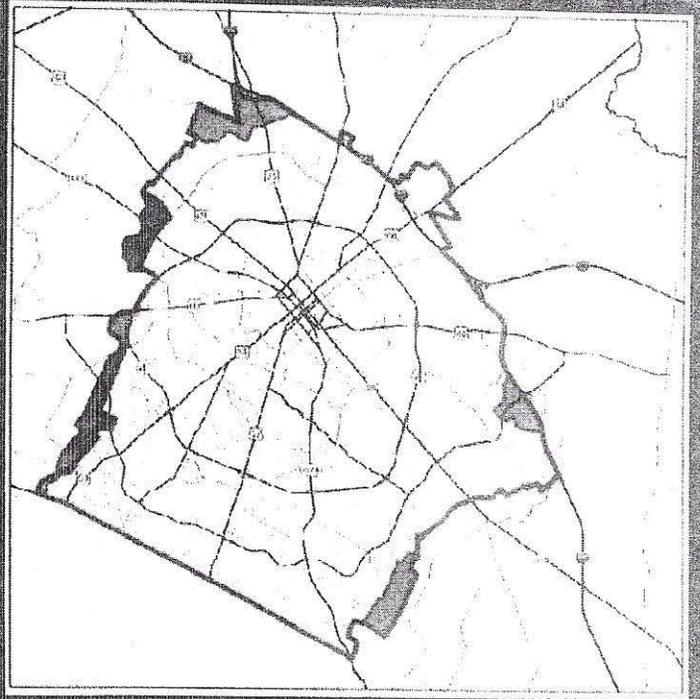
# 1974 LAWSUIT

- **Kentucky River Coal Corporation, et al. vs. W. Rush Mathews, et al.**
- Court found that notice for a Comp Plan update was not adequate legal notice to remove a property from the USA, and ordered the Commission's action to be null and void
- Also found the findings were inadequate to support removal
- Because notice and findings were inadequate court decided that it violated US & KY Constitutions
- Improved notice and procedures were instituted as a result



# 1980

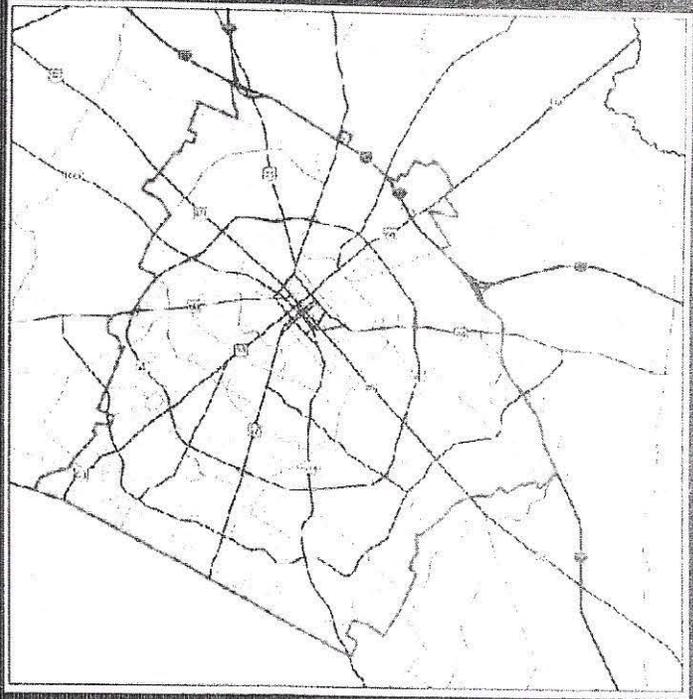
- **RESULT:** Small expansion of the USA of 560 was created as part of the new Comprehensive Plan
- **REASONS:**
  - **Contractions:**
    - To "Protect the horse farms... from urban influence"
  - **Expansions:**
    - "Additional land for urban activity (for) the next twenty years"
    - Appropriately located near existing services



SIZE: 75.315 square miles

# 1988

- **RESULT:** No modification of the USA
- **REASONS:**
  - Planning Commission confirmed there was enough land in the USA and no expansion was needed



**SIZE: 75.315 square miles**

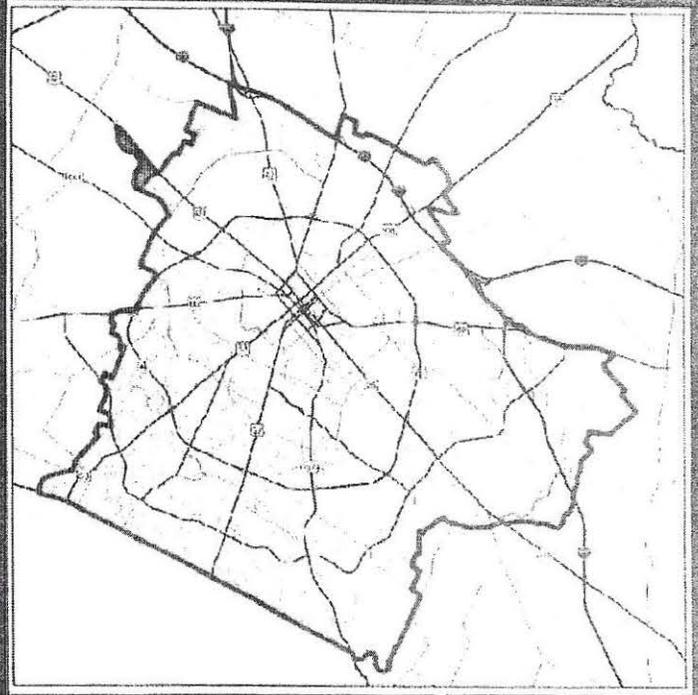


# 1998

- **RESULT:** Small USA expansion of 200 acres was created as part of an amendment to the 1996 Comprehensive Plan through the Bracktown Small Area Plan

## REASONS:

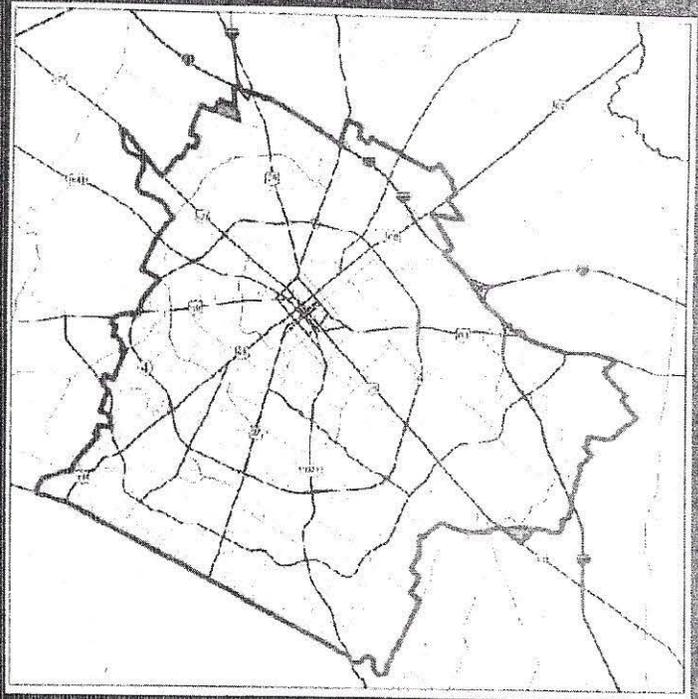
- Council had requested this Small Area Plan "in order to address some of Bracktown's basic service needs, specifically sanitary sewer service"
- Recognition of Lexington's responsibility to support historic Black settlements
- Sewer service had recently been extended to the Federal Medical Center
- Expansion included Bracktown and the Marshall property, which was a defect and considered for expansion in 1977



**SIZE: 84.065 square miles**

# 2001

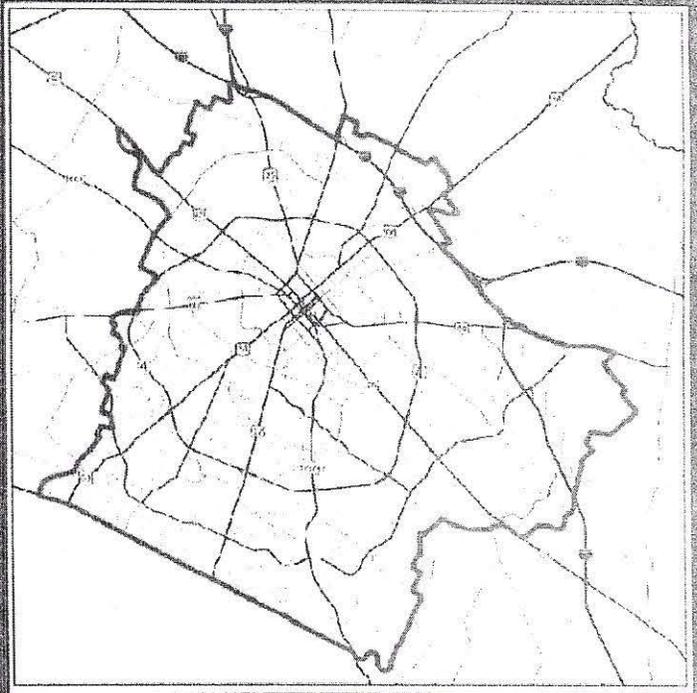
- **RESULT:** Small USA expansion of 167 acres was created as part of the new Comprehensive Plan
- **REASONS:**
  - 85 acres north of Spurr Road
  - 82 acres north of Athens-Boonesboro Road
  - These were part of a small clean up of the USA and not discussed at length



SIZE: 84.326 square miles

# 2007

- **RESULT:** No modification of the USA
- **REASONS:**
  - Planning Commission confirmed there was enough land in the USA and no expansion was needed.



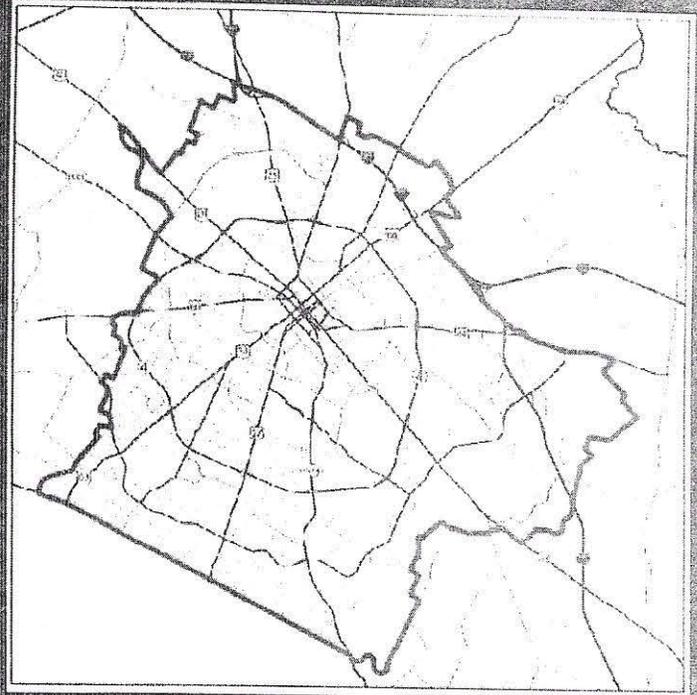
SIZE: 84.326 square miles

• Reasons:

• Planning Commission Confirmed there was enough land in the USA and no expansion was needed.

# 2013

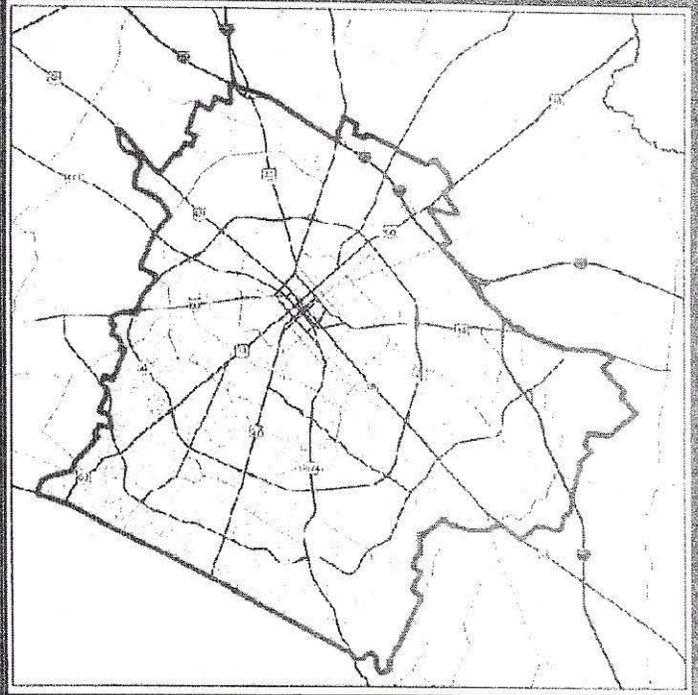
- **RESULT:** No modification of the USA
- **REASONS:**
  - Planning Commission confirmed there was enough land in the USA and no expansion was needed.



SIZE: 84.326 square miles

# 2018

- **RESULT:** No modification of the USA, but the creation of a new process for evaluating the USA was called for.
- **REASONS:**
  - Planning Commission confirmed there was enough land in the USA and no expansion was needed.
  - But, we needed to reevaluate and improve our process to ensure expansion/contraction decisions are sustainable long-term.



SIZE: 84.326 square miles

- But, we needed to reevaluate and improve our process to ensure expansion/contraction decisions are sustainable long-term.

# 2018 New Process Progress

- Identify land for long-term preservation
- Identify land for potential future urban development
- Set-up a process for adding land into the Urban Service Boundary
- Implement the process as an amendment to the Comprehensive Plan, adopted by the Planning Commission

## Goal 1 Committee

- Creating a map
- Recommending a final decision making process for:
  - Identifying need for expansion
  - Process for meeting the expansion need

## Sustainable Growth Task Force

- Created a replicable and comprehensive dataset
- Drafted an Evaluation Framework



# Key Takeaways

- The USA was a progressive and innovative idea
  - It was challenged early and withstood those challenges
  - Has served as a model for other places
- It is an invaluable growth management tool that promotes fiscal responsibility
- The Planning Commission makes decisions regarding the USA location and size through the land use element of the Comprehensive Plan
  - All expansions and contractions have been decided by the Planning Commission through the Comprehensive Plan
- Reevaluating and improving our process is important to ensure expansion/contraction decisions are sustainable long-term

PLANNING DIVISION

Presiding Judge: HON. LUCY A. VANMETER (622386)

EXH : 000032 of 000033

imagine  
LEXINGTON  
QUESTIONS?

# Imagine Lexington 2045 Proposed Goals & Objectives Language

- Adds new language relative to the Urban Service Area and the new process development:
  - Preserve the Urban Service Boundary
  - Maintain the current boundary until a new process has been developed to inform these decisions
  - Call for building on the work of the Sustainable Growth Task Force and the Goal 4 Workgroup to create the new process

AOC-E-105 Sum Code: CI  
Rev. 9-14

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Case #: 23-CI-02251

Court: CIRCUIT

County: FAYETTE

### CIVIL SUMMONS

*Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant*

**TO: LEX-FAYETTE URBAN COUNTY GOVT COUNCIL  
SUSAN SPECKERT, COMMISSIONER OF LAW  
200 E. MAIN STREET  
LEXINGTON, KY 40507**

The Commonwealth of Kentucky to Defendant:  
**LEX-FAYETTE URBAN COUNTY GOVT COUNCIL**

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Fayette Circuit Clerk  
Date: 7/14/2023

### Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

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Title

Summons ID: @90005499830  
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JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU



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Presiding Judge: HON. LUCY A. VANMETER (622386)

CI: 000001 of 000001

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Case #: 23-CI-02251

Court: CIRCUIT

County: FAYETTE

### CIVIL SUMMONS

*Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant*

**TO: DAN WU**

The Commonwealth of Kentucky to Defendant:

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JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU



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Case #: 23-CI-02251

Court: CIRCUIT

County: FAYETTE

### CIVIL SUMMONS

*Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant*

TO: DAN WU

The Commonwealth of Kentucky to Defendant:

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Presiding Judge: HON. LUCY A. VANMETER (622386)  
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### CIVIL SUMMONS

Case #: 23-CI-02251

Court: CIRCUIT

County: FAYETTE

*Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant*

TO: JAMES BROWN

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Fayette Circuit Clerk  
Date: 7/14/2023

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\_\_\_\_\_  
Title

Summons ID: @90005499832  
CIRCUIT: 23-CI-02251 Return to Filer for Service  
JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU



eFiled

Presiding Judge: HON. LUCY A. VANMETER (622386)

CI: 000001 of 000001



CIVIL SUMMONS

Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant

TO: CHUCK ELLINGER II

The Commonwealth of Kentucky to Defendant:

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Fayette Circuit Clerk  
Date: 7/14/2023

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Served By

\_\_\_\_\_  
Title





### CIVIL SUMMONS

Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant

TO: TANYA FOGLE

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Fayette Circuit Clerk

Date: 7/14/2023

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CIVIL SUMMONS

Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant

TO: SHAYLA LYNCH JR

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a legal action has been filed against you in this Court demanding relief as shown on the document delivered to you with this Summons. Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Fayette Circuit Clerk

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### CIVIL SUMMONS

Case #: 23-CI-02251

Court: CIRCUIT

County: FAYETTE

Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant

TO: HANNAH LEGRIS

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Fayette Circuit Clerk  
Date: 7/14/2023

### Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title

Summons ID: @90005499836  
CIRCUIT: 23-CI-02251 Return to Filer for Service  
JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU



Presiding Judge: HON. LUCY A. VANMETER (622386)

CI: 000001 of 000001

AOC-E-105 Sum Code: CI  
Rev. 9-14

Commonwealth of Kentucky  
Court of Justice Courts.ky.gov

CR 4.02; Cr Official Form 1



### CIVIL SUMMONS

Case #: 23-CI-02251

Court: CIRCUIT

County: FAYETTE

*Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant*

**TO: BRENDA MONARREZ**

The Commonwealth of Kentucky to Defendant:

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Title

Summons ID: @90005499837  
CIRCUIT: 23-CI-02251 Return to Filer for Service  
JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU



eFiled

Presiding Judge: HON. LUCY A. VANMETER (622386)

CI . 000001 of 000001

AOC-E-105 Sum Code: CI  
Rev. 9-14

Commonwealth of Kentucky  
Court of Justice Courts.ky.gov

CR 4.02; Cr Official Form 1



Case #: 23-CI-02251

Court: CIRCUIT

County: FAYETTE

### CIVIL SUMMONS

*Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant*

TO: LIZ SHEEHAN

The Commonwealth of Kentucky to Defendant:

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\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title

Summons ID: @90005499838  
CIRCUIT: 23-CI-02251 Return to Filer for Service  
JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU



eFiled

Presiding Judge: HON. LUCY A. VANMETER (622386)

CI: 000001 of 000001



Case #: 23-CI-02251

Court: CIRCUIT

County: FAYETTE

CIVIL SUMMONS

Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant

TO: DENISE GRAY

The Commonwealth of Kentucky to Defendant:

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Served By

\_\_\_\_\_  
Title





Case #: 23-CI-02251

Court: CIRCUIT

County: FAYETTE

### CIVIL SUMMONS

*Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant*

**TO: PRESTON WORLEY**

The Commonwealth of Kentucky to Defendant:

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Fayette Circuit Clerk

Date: 7/14/2023

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\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title

Summons ID: @90005499840

CIRCUIT: 23-CI-02251 Return to Filer for Service

JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU





### CIVIL SUMMONS

Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant

TO: FRED BROWN

The Commonwealth of Kentucky to Defendant:

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Fayette Circuit Clerk

Date: 7/14/2023

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Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title





CIVIL SUMMONS

Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant

TO: WHITNEY ELLIOTT BAXTER

The Commonwealth of Kentucky to Defendant:

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Date: 7/14/2023

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\_\_\_\_\_  
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\_\_\_\_\_  
Title



AOC-E-105 Sum Code: CI  
Rev. 9-14

Commonwealth of Kentucky  
Court of Justice Courts.ky.gov

CR 4.02; Cr Official Form 1



Case #: 23-CI-02251

Court: CIRCUIT

County: FAYETTE

### CIVIL SUMMONS

*Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant*

**TO: DAVE SEVIGNY**

The Commonwealth of Kentucky to Defendant:

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Date: 7/14/2023

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\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title

Summons ID: @90005499843  
CIRCUIT: 23-CI-02251 Return to Filer for Service  
JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU



Presiding Judge: HON. LUCY A. VANMETER (622386)

CI : 000001 of 000001



### CIVIL SUMMONS

*Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant*

**TO: JENNIFER REYNOLDS**

The Commonwealth of Kentucky to Defendant:

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Fayette Circuit Clerk  
Date: 7/14/2023

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\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title





CIVIL SUMMONS

Case #: 23-CI-02251

Court: CIRCUIT

County: FAYETTE

Plaintiff, JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU, Defendant

TO: KATHY PLOMIN

The Commonwealth of Kentucky to Defendant:

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Fayette Circuit Clerk

Date: 7/14/2023

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Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_ Served By

\_\_\_\_\_ Title

Summons ID: @90005499845  
CIRCUIT: 23-CI-02251 Return to Filer for Service  
JUSTICE, BILLY C ET AL VS. LEX-FAYETTE URBAN COUNTY GOVT COU



eFiled

Presiding Judge: HON. LUCY A. VANMETER (622386)

CI - 000001 of 000001

Commonwealth of Kentucky  
Court of Justice [www.courts.ky.gov](http://www.courts.ky.gov)



RANDOM JUDGE ASSIGNMENT

FAYETTE COUNTY

Court: FAYETTE CIRCUIT COURT - CIVIL CASES [FCCCC]

Case Style: TBD

Case Number: 23-CI-02251

This case has been assigned to: HON. LUCY A. VANMETER [622386]

A handwritten signature in black ink that reads "Vincent Riggs".

Vincent Riggs, Fayette Circuit Clerk  
7/17/2023 8:56:22 AM