

**MINUTES OF THE REGULAR MEETING
OF
GALLATIN COUNTY BOARD OF ADJUSTMENT
AND
HEARING OF BERKSHIRE CONDITIONAL USE PERMIT
APPLICATION**

The Gallatin County Board of Adjustment met for its regular meeting on March 6, 2018, at 7:00 p.m. at the M. E. Bogardus Building Annex, 395 US 42 W, Warsaw, Kentucky and for the purpose of conducting a duly noticed and advertised hearing of the application of Jeremy and Andrea Berkshire for a Conditional Use Permit.

The aforesaid hearing being the only business before the Board, that matter was taken up initially.

In attendance were Kenneth McFarland, Gallatin County Judge/Executive, Stephen P. Huddleston, Attorney, the applicants Jeremy and Andrea Berkshire, and approximately a dozen interested citizens.

Board members present were:

W. Cozine, Chairman

B. Skirvin

N. Smithson

C. Sullivan

E. J. Alexander

The matter concerns the use of the applicants' realty situated at 1840 Hwy. 465 (Boone Road), consisting of 360 acres, more or less (commonly known as the "Old Harris Farm"), currently zoned R-1A. Presently, the area in question is a residential, agricultural mix. Its residential population is not densely concentrated.

As explained by Mr. Berkshire, the applicants' intent is to open the property (or parts thereof) to the paying public for three-day events (Friday-Sunday) permitting the

operation of ATV's, buggies, motor bikes, rock crawlers and like off-road vehicles over and upon various trails laid out and created by the applicants upon their subject property. The activity is commercial in nature, profit being the objective.

The events, as contemplated, would cover the three-day period commencing Friday and concluding Sunday. However, participants can be expected to arrive on Thursday for on-site camping. An estimated 1,000 participants are expected.

The applicants expressed the intention to bring portable toilet facilities sufficient to accommodate the crowd and to endeavor to keep the public highway (Ky. 465) near ingress and egress points free of undue mud, debris and extraneous matter. The applicants also expressed the intention to cooperate with and enlist the assistance of the Gallatin County Sheriff's office, local fire departments and EMS services to the extent advisable and prudent under the prevailing circumstances.

Mr. Edwin Cross spoke against the application, citing noise and traffic concerns.

Citizens Eddie Jameison, Gary Lillard, Jeff Hammond and Paula Lillard expressed concerns related to noise, mud and debris deposited on the public highway and excessive, bothersome lighting. All, however, expressed no objection to the proposed use, provided their stated concerns were adequately addressed.

After public debate and discussion of the issue by and among the Board, it was moved by B. Skirvin, seconded by N. Smithson; that the application be granted and the Conditional Use Permit issued, subject to the following conditions, to wit:

1. No more than five (5) commercial riding events shall occur within any calendar year, which shall occur only on the days of Friday, Saturday and Sunday.

2. No off-road or trail-riding vehicle shall be in operation between the hours of Midnight and 7:00 a.m.
3. Campers, RV's and campsites shall be situated not less than 100 feet from the boundary line of any adjacent property whereupon there exists a residential structure.
4. Permittees shall use their best efforts available to prevent mud, debris and extraneous material to escape their property. In the event the Gallatin County Sheriff's office or other public law enforcement or highway safety agency shall deem that a public safety issue has been created by reason of the deposit of mud, debris or extraneous material upon Ky. Hwy. 465 originating from the permittees property, the event shall be immediately closed down upon order of the Sheriff's office or any other aforesaid public agency.
5. During the course of the event, the Permittees shall post a person or a conspicuous sign at all public entrances to their property warning motorists that it is a criminal offense to operate certain vehicles upon public highways or to deposit excess mud, debris and extraneous material thereupon.
6. Permittees shall provide, at their expense, for the presence of any law enforcement or fire fighting or emergency services deemed necessary by the Gallatin County Sheriff's office or Gallatin Emergency Services authorities.

And, further, that if the aforesaid conditions be adhered to, then, under that proviso, the Board finds that the proposed conditional use will not alter the basic character of the area affected and will blend in therewith and work no detriment thereto; that adequate public utilities serve the site; and that adequate traffic circulation to and

from the site is provided by public highways and on-site traffic flow and parking are adequate.

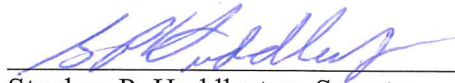
The motion was adopted unanimously.

There being no further business, the meeting was adjourned.



Wilbur Cozine, Chairman

A TRUE COPY: ATTEST



Stephen P. Huddleston, Secretary