

RESOLUTION NO. 2017-02

A Resolution granting Calvert City, Kentucky consent to regulate a "Wellhead Protection Area" located in an unincorporated area just outside the city limits of Calvert City, Kentucky.

WHEREAS, in order to continue to provide its citizens and customers with clean and potable water, Calvert City, Kentucky needs the ability to regulate a particular parcel of land containing its wellheads and the immediately surrounding area;

WHEREAS, this particular parcel of land is currently located in an unincorporated area just outside the city limits of Calvert City, Kentucky;

WHEREAS, KRS 100.131 provides that a fiscal court may grant consent to a city to regulate an unincorporated area within five (5) miles from the city limits;

WHEREAS, the Marshall County Fiscal Court does wish to grant such consent to Calvert City, Kentucky in order to allow the city to regulate the land use immediately around the area of its wellheads;

NOW THEREFORE, Be it Resolved by the Marshall County Fiscal Court as follows:

1. The Marshall County Fiscal Court hereby grants consent to Calvert City, Kentucky to regulate the "Wellhead Protection Area" which is more particularly described in the attachment to this Resolution and is incorporated herein.
2. Consent to regulate shall mean permission is given to Calvert City, Kentucky to regulate the "Wellhead Protection Area" to ensure that clean and potable water is made available to its citizens and customers.
3. The consent granted by this Resolution shall be limited to the specific stated purpose in this Resolution and shall not be interpreted as granting broad regulatory authority beyond the scope and purpose of this Resolution.

Approved this _____ day of _____, 2017.

Kevin Neal
Marshall County Judge/Executive

Desiree Hermosillo
Marshall County Fiscal Court Clerk

RESOLUTION

WHEREAS, in order to continue to provide its citizens and customers with clean and potable water, the City of Calvert City, Kentucky needs the ability to regulate a particular parcel of land containing its wellheads and the immediately surrounding area, designated on the City's proposed Zoning Map as the Well-head Protection District; and,

WHEREAS the Well-head Protection District encompasses a vital commercial development area surrounding the U.S. Highway 62 and Interstate Highway 24 interchange, which also includes the area designated and scheduled for significant investment, development, construction and upgrade by the Commonwealth of Kentucky as an entry way to the Kentucky Dam village; and,

WHEREAS, the proposed Well-head Protection District extends into an unincorporated area just outside the city limits of Calvert City, Kentucky; and,

WHEREAS, KRS 100.131 provides that municipal zoning regulations may extend up to five (5) miles beyond the corporate boundaries of the municipality, with the consent of the Fiscal Court; and,

WHEREAS, the Marshall County Fiscal Court wishes to grant such consent to Calvert City, Kentucky in order to allow the City to impose general zoning regulation in the Well-head Protection District;

NOW THEREFORE, Be it Resolved by the Marshall County Fiscal Court that pursuant to KRS 100.131 consent hereby is granted to allow the City of Calvert City, Kentucky to extend its general planning and zoning jurisdiction beyond its corporate boundaries to encompass all of the Well-head Protection District as proposed by the City and as appears on the attached plat.

WP Well-head Protection District

A. Statement of Purpose

The Well-head Protection District is an over-lay district which identifies the area above the aquifer immediately and most likely to present issues affecting the quality of water available to the City's potable water wells. Accordingly, it is necessary that the City maintain continuing control of this area in order to protect the City's potable water supply. This district is intended as an over-lay district, imposing regulations and restrictions in addition to those of the other zoning districts applicable to this area as identified on the City's official zoning map, from time to time.

B. Permitted and Conditional Uses

Uses or structures shall be permitted in the Well-head Protection District as otherwise permitted in the primary zoning districts affected by the Well-head Protection District, subject to approval by the Planning Commission after review of a Development Plan submitted in accordance with Article 7.6 B. and Article 7.6 F. through H. of this Ordinance. For purposes of its review of such Development Plan, the Planning Commission shall consider and require (in addition to those otherwise required by Article 7.6), protections and controls for preventing the introduction into the aquifer below the site the following substances: petroleum products; substances listed in 401 KAR, Chapter 30; substances listed in the Federal Hazardous Waste list; and, substances other than those listed on the Federal Hazardous Waste List that are determined by state or federal agencies to pose a significant threat to any community water supply well or well field. The Planning Commission shall consult with the Board of Public Utility Commissioners or its designee in determining whether proposed protections and controls are appropriate and sufficient, and imposing appropriate regulations and requirements.

C. Standards

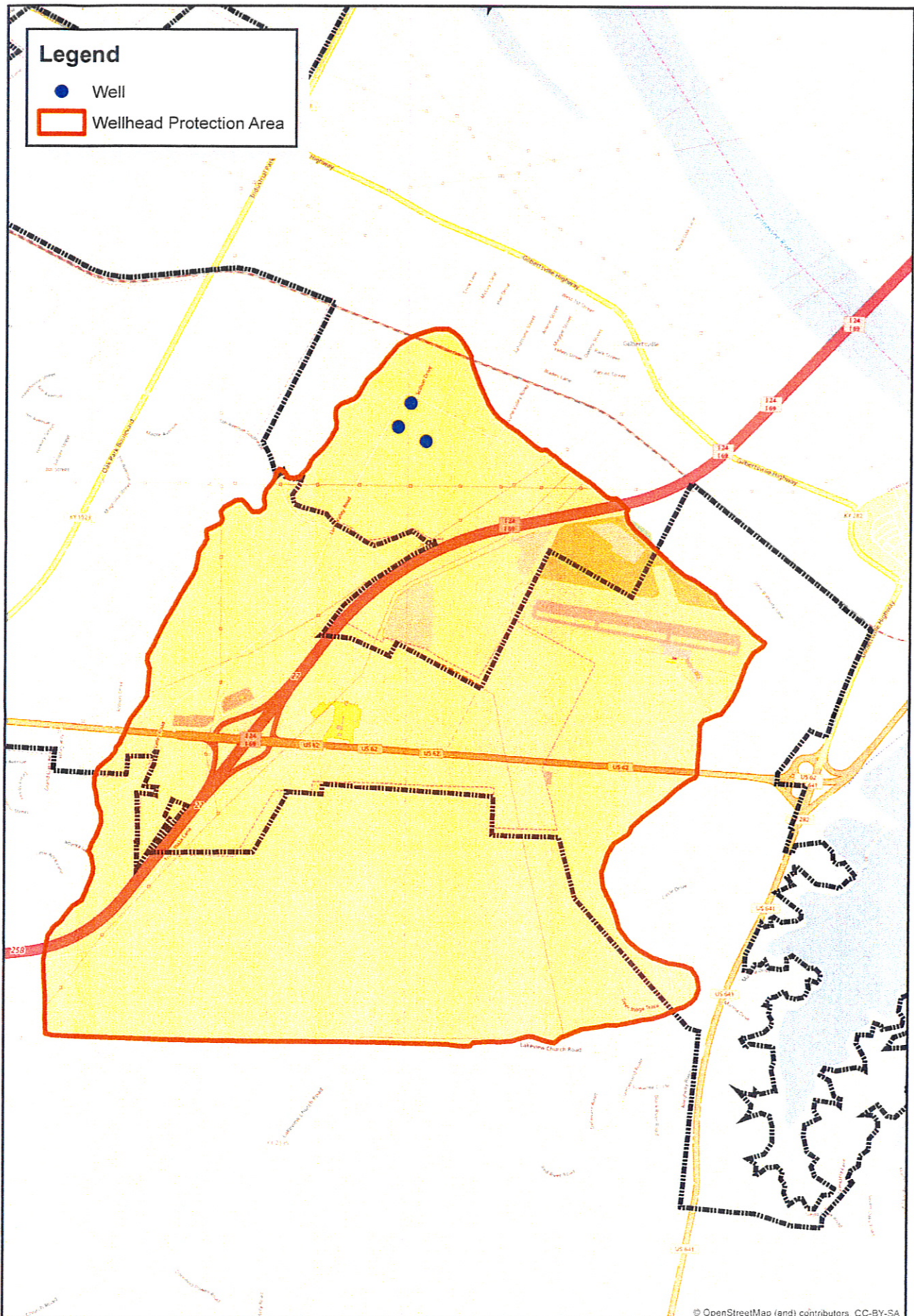
The standards for construction in the Well-head Protection District shall be those otherwise applicable to the primary district, except as such standards may be altered, expanded or restricted in the sole discretion of the Planning Commission upon consideration of the proposed Development Plan as required by subsection B, above.

D. General Requirements



The general requirements for construction in the Well-head Protection District shall be those otherwise applicable to the primary district, except as such standards may be altered, expanded or restricted in the sole discretion of the Planning Commission upon consideration of the proposed Development Plan as required by subsection B, above.

Legend

- Well
- Wellhead Protection Area



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| JOB NO.: | DATE: | STATE: KENTUCKY | PROJECT: CALVERT CITY GIS |
|  CALVERT CITY WATER & SEWER DEPARTMENT | | COUNTY: MARSHALL | DRAWING: DESCRIPTION |
| | |  NORTH ARROW & MAP SCALE: 1" = 1,667' | <h1>Wellhead Protection Area</h1> |