Date Received: _______________

RURAL LAND MANAGEMENT BOARD
PURCHASE of DEVELOPMENT RIGHTS (PDR) PROGRAM
APPLICATION FORM for PURCHASES

Dear Fayette County Rural Area Property Owner:

Thank you for your interest in the Rural Land Management Board’s Purchase of Development Rights (PDR) Program. Please review the application checklist before completing the application. If the application does not provide enough space to fully answer any question, please attach additional pages as necessary. You may also attach images to illustrate special features of your property. The questions asked herein are used to score and then rank your property, so it is important you provide as much information as possible. The Rural Land Staff in the Office of Purchase of Development Rights will assist you with the parts of this application you are unable to answer. You may contact Beth Overman at eoverman@lexingtonky.gov or (859) 425-2227 to obtain assistance and ask questions. You may submit your application to the PDR office by mail or in person.

After the application has been reviewed, the staff will contact you within 30 days of the application deadline to coordinate a site visit in order to verify information and take photographs. The staff will rank all applicants utilizing the Land Evaluation and Site Assessment (LESA) system as listed in the Chapter 26 of the Code of Ordinances and present those rankings to the Rural Land Management Board. You will then be notified in writing of your ranking.
APPLICATION CHECKLIST

Please select one of the following two options then answer items (a) and (b), which are applicable to both options:

☐ 1. My property is at least 20 acres in size and I wish to sell an easement to the Rural Land Management Board.

☐ 2. My farm is at least 20 acres in size and I wish to sell an easement to the Rural Land Management Board via a “bargain sale”. A “bargain sale” refers to the selling of a good or service for an amount less than the fair market value. It can be considered a charitable gift and may qualify as a tax write-off. Anyone considering a bargain sale should consult with their financial advisor for more specific information. The Rural Land staff in the Office of Purchase of Development Rights is not permitted to offer individual tax advice per Section 26-16(6) of the Code of Ordinances.

☐ a.) I have read the Rural Land Management Board’s PDR Program Info Sheet and understand that for most easements, the money paid to farm owners will be 50% local funding and 50% federal funding. I am aware of the federal program rules, including but not limited to: (1) all landowner participants must be U.S. citizens; (2) counter appraisals by landowners are prohibited; (3) no landowner may have an Adjusted Gross Income (AGI) of more than $900,000 per year and if a property is owned by an LLC or Partnership, these rules apply to the LLC/Partnership as well as each member of the LLC/Partnership; and (4) the Prime Farmland Soils and Statewide Important Soils of the farm as calculated by the USDA-NRCS must together equal at least 50%.

*Please note that the 2018 Farm Bill allows the Rural Land Management Board to request a waiver of the $900,000 AGI limitation for projects of special environmental significance. Please indicate below whether the property owner(s) income surpasses $900,000 and a waiver request will be needed:

☐ b.) Waiver Request needed: ☐ Yes ☐ No

Please ensure that each of the following items is completed:

☐ 4. A copy of the deed(s) to the property is attached (include a deed and/or plat if available for each tract/parcel involved).

☐ 5. A letter from any lien, mortgage, encumbrance, lease, easement and/or option holders, indicating their willingness to subordinate to the Conservation Easement is attached.

☐ 6. The USDA-NRCS Prime Farmland Soils Map and a Farm Conservation Plan or Forest Stewardship Plan are attached. If the Conservation or Stewardship Plan are not yet complete, please submit a letter from the local NRCS office and/or the Kentucky Division of Forestry stating the request is in process. For assistance with soil maps and Conservation Plans, please contact Ian Young of NRCS at ian.young@ky.usda.gov or 859-234-5876. For assistance with Forest Plans, please contact Kristian Pickering, Kentucky Division of Forestry at kristian.pickering@ky.gov or 606-337-3939.
7. □ A non-refundable filing fee in the amount of $200 per application is included (check should be made payable to “LFUCG–Rural Land Board”). Please note that if you are submitting multiple parcels for consideration and do not intend to consolidate them, a separate application and fee must be submitted for each parcel per Section 26-9(1) of the Code of Ordinances.

8. □ I give the Rural Land staff in the Office of Purchase of Development Rights permission to make a scheduled site visit to the property and take photos.

(Please initial: ______)
1. **Property Address** - ________________________________________
   
   Please note if legal address on deed is different from street entry address.

2. Is the entire property within **Fayette County** or is it partially in a neighboring county? Please note that the Rural Land Management Board is only permitted to pay and/or accept a donation for the Fayette County portion and will require a survey if part of the property is in an adjacent county. The survey will be at the expense of the landowner(s) and will only be required if a contract to purchase a Conservation Easement is executed by both the Rural Land Management Board and the landowner(s).

   **Entire property is in Fayette County:**  [ ] Yes  [ ] No

   **If no, which adjacent county:** ______________  **How many acres in Fayette County:** __________

3. **Property Owner(s)** - **Note:** The name, address, e-mail and cell phone number must be provided *for all owners of the property as listed on the deed.* The individual listed *first* shall be the primary contact.

   **Primary Owner(s) Contact Information** (please attach additional pages in this format if more than four owners are listed on the deed):

   Name: _______________________________  Name: _______________________________

   Address: _______________________________  Address: _______________________________

   City/State/Zip: _______________________________  City/State/Zip: _______________________________

   Telephone: _______________________________  Telephone: _______________________________

   E-mail: _______________________________  E-mail: _______________________________

   Name: _______________________________  Name: _______________________________

   Address: _______________________________  Address: _______________________________

   City/State/Zip: _______________________________  City/State/Zip: _______________________________

   Telephone: _______________________________  Telephone: _______________________________

   E-mail: _______________________________  E-mail: _______________________________

4. **Deed reference(s)** - (Attach a copy of the deed for each tract involved)

   Parcel Address: _______________________________  Deed Book _______ Page # _______

   Parcel Address: _______________________________  Deed Book _______ Page # _______

   Parcel Address: _______________________________  Deed Book _______ Page # _______

   Parcel Address: _______________________________  Deed Book _______ Page # _______
Conservation Easement acreage applied for: ____________________________
(Please specify if the acreage to be purchased is different from the total acreage of the tracts listed above)

5. A. Is the entire parcel accessible from a public road or is there sufficient legal access to the entire parcel? If the parcel can only be accessed via an adjacent parcel, please attach the recorded easement providing access to the farm.

☐ Property is accessed from a public road or ☐ Property has legal access via another parcel

B. Is the property subject to any access easement in favor of another property or subject to any claim of adverse possession? ☐ Yes ☐ No If yes, please indicate:

6. Does the property contain undeveloped tracts of less than 20 acres (i.e. non-conforming tracts)?

☐ Yes ☐ No ☐ Unsure If yes, how many? _______ Number of acres_______

If yes, are you willing to consolidate or eliminate tracts under 20 acres for additional LESA points?

☐ Yes ☐ No

7. If your property is 80 acres or larger, are you willing to give up the right to divide the property into 40-acre tracts for additional LESA points?

☐ Yes ☐ No

8. Approximate Public Road Frontage (we will obtain an exact measurement from the LFUCG’s Geographical Information System (GIS) Staff):

☐ Less than 350 feet ☐ 350 - 500 feet ☐ 501-1000 feet ☐ Over 1000 feet

9. A. Please list any mortgages, liens, encumbrances, leases, easements and/or options on the property. A letter from any mortgage, lien, encumbrance, lease, easement, and/or option holders indicating their willingness to subordinate to the Conservation Easement shall be attached to this Application. If the Rural Land Management Board decides to purchase an easement on your property, any holder of a mortgage, lien, encumbrance, lease, easement and/or option must subordinate its interests to the terms of the Conservation Easement before closing.

B. Are there any existing leases or easements on the property for any of the following: including but not limited to utilities, mineral rights, mining, oil and gas exploration, neighbor access, cell phone tower agreements, etc.? The Rural Land Staff will need to review the terms of any existing leases or easements.

☐ Yes ☐ No
If yes, please list the type of leases and/or easements and attach a copy of each. If applicable, please provide a survey or map of the eased or agreement location(s). Please note that the Rural Land Management Board cannot accept an application if there is a mining, oil and gas exploration or cell phone tower lease agreement on the property, but if there is an Option to exercise a lease agreement, a purchase could be made if all other requirements are met once the option is terminated.

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

10. Please list any **contingencies** the landowner wishes to make the Rural Land Management Board aware of such as owner health issues, landowner dispute issues, estate settlement and planning, the property being owned by a life estate, or other circumstances that may affect the property.

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

11. Are you applying to the Rural Land Management Board’s PDR Program as part of a **batch application** with other landowners of adjacent properties?

☐ Yes  ☐ No  If yes, with whom? ______________________________

**Address of adjacent property:** _______________________________________________

____________________________________________________________________________________

**Total number of acres of all properties in the batch:**

12. Do you have a **Farm Succession Plan** or similar plan established to address farm viability for future generations? This is not required but it is a question included on the federal application for informational purposes.

☐ Yes, we have a Farm Succession Plan  or  ☐ No, we have no such plan

**B. AGRICULTURAL PRODUCTION INFORMATION**

13. Please list any **crops** grown on the property during the most recent growing season:

**Crops:** ____________________________________________________________

**Number of Acres:** ________________________________________________
14. Please list the number and type of livestock on the farm:

Type of Livestock: ________________________________________________________________

Number of Head: ___________________________________________________________________

15. Is any part of the property leased or used by others for agricultural production?

☐ Yes   ☐ No

If yes, please indicate:

Acres: ______ Use(s): ________________________________________________________________

Lessee: ________________________________________________________________________

Please note that the Rural Land Management Board’s PDR Program and the federal matching program allow farms to be leased for agricultural production but the lessees will need to submit a letter with this application indicating their willingness to subordinate to the Conservation Easement, and sign a subordination agreement prior to closing that will be provided by our closing attorney.

16. Has the property being offered for a conservation easement been actively farmed for more than five of the last ten years?

☐ Yes   ☐ No

17. If the property has not been actively farmed for more than five of the last ten years, does the property have the immediate potential to be farmed?

☐ Yes  ☐ No

18. Infrastructure- Please list the number and type of on-farm investments located on the parcel (barns and other agricultural buildings, fencing, paddocks and pastures, waterways and other conservation measures, etc.).

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

19. Do you anticipate the need to add housing on your farm including a primary residence for the landowner and/or tenant house(s) for farm workers? The LFUCG Division of Building Inspection may issue building permits for 1 tenant house per 40 acres on active farms, if needed for full-time farm workers and prior approval is obtained by the Rural Land Management Board. Please indicate your existing and anticipated housing needs below:

☐ Primary Residence Exists or ☐ Primary Residence Requested
☐ Number of Tenant Houses Existing: __________

☐ Number of Tenant Houses Requested: __________

*Please note that if an easement is purchased on your property, a Housing and Infrastructure Request Form must be submitted to the Rural Land staff in the Office of PDR for approval by the Rural Land Management Board, prior to beginning any construction.

20. Please provide an approximation of how many acres of each of the following categories exist on your farm (leave blank if the answer is zero):

Acres of Cropland: __________  Acres of Pastureland: __________

Acres of Hay: __________  Acres of Forest: __________

Acres of Ponds or Lakes: __________  Acres of Paving: __________

Acres of “Incidental Land” (incidental land describes land taken up by non-agricultural structures such as housing, pools, tennis courts, etc.): __________

C. ENVIRONMENTAL INFORMATION

21. Does the property contain special natural features such as unusual flora or fauna, geologic areas, cliffs, wildlife habitats, sinkholes, etc.? If yes, please describe and provide photographs or documentation and indicate on an accompanying map.

☐ Yes  ☐ No

22. Is at least 50% of the property deemed environmentally sensitive? Please note the Rural Land staff in the Office of PDR will verify this for you via LFUCG GIS mapping if you are unsure.

☐ Yes  ☐ No  ☐ Unsure

23. Are there any designated rural greenways (i.e. streams or connecting waterways) on the property? Please note the Rural Land staff in the Office of PDR will verify this for you via LFUCG mapping if you are unsure.

☐ Yes  ☐ No  ☐ Unsure

24. Is the property adjacent to; or within ½ mile of; or within 1 mile of; a property with a conservation easement held by the Rural Land Management Board, Bluegrass Land Conservancy, Kentucky Land Trust, etc.? Please note the Rural Land staff in the Office of PDR will verify this for you if you are unsure.

☐ Adjacent to  ☐ Within ½ mile  ☐ Within 1 mile  ☐ Unsure
25. **Linkage to Parks**-Is the property adjacent to; or within ½ mile of; or within 1 mile of; a park, nature preserve, nature sanctuary, historic site or other land that has been designated for long-term natural resource use, conservation or preservation purposes? Please note the Rural Land staff in the Office of PDR will verify this for you via LFUCG mapping if you are unsure.

☐ Adjacent to   ☐ Within ½ mile   ☐ Within 1 mile   ☐ Unsure

Please list the name and location of park, nature preserve, nature sanctuary, or other land that has been designated for long-term natural resource use, conservation or preservation purposes.

________________________________________________________________________

D. **HISTORIC AND CULTURAL ASSETS**

26. Is the property listed on the National Register of Historic Places or the National Register of Historic Districts?

☐ Yes   ☐ No   ☐ Unsure

If yes, please list the name of the Historic District/Place: ____________________________________________________________

If no, is the property eligible for the National Register? ☐ Yes   ☐ No   ☐ Unsure

If you answered yes to any of these questions, **please attach documentation to your application.**

27. Is the property designated a local Historic Landmark (H-1) or sited in a local Historic District (H1)?

☐ Yes   ☐ No   ☐ Unsure

If yes, please list the name of the H-1 Landmark/District: ____________________________________________________________

If you answered yes to this question, **please attach documentation to your application.**

28. Does the property include a minimum of 100 linear feet of **stone fence**? If so, please indicate location on a map submitted with your application and provide a photo.

☐ Yes   ☐ No

29. Is the property designated as a National Historic Landmark?

☐ Yes   ☐ No   ☐ Unsure

Name of Landmark: ____________________________________________________________________________________________

If yes, **please attach supporting documentation.**
30. Does the property contain any registered or significant archeological sites? If so, please describe and provide independent official documentation and/or history.

_______________________________________________________________________________

_______________________________________________________________________________

E. SCENIC RESOURCES

31. **Scenic Road**- Is the parcel located on a local, state or federal designated scenic byway or highway?

   ☐ Local   ☐ State   ☐ Federal   ☐ Unsure   ☐ No

   Name of Road, Byway or Highway: ________________________________________________

32. Is the parcel adjacent to I-64 or I-75 or part of the scenic viewshed from I-64 or I-75?

   ☐ Yes   ☐ No

   ☐ Adjacent to:__________

   ☐ Part of scenic viewshed from:__________

33. Is the property part of a scenic viewshed visible from a publicly owned land such as a park, nature preserve, sanctuary or historic site?

   ☐ Yes   ☐ No   ☐ Unsure

   If yes, list name of public land:___________________________________________________

34. Does the property contain special scenic features such as unique or significant viewsheds, tree canopies, etc.?

   ☐ Yes   ☐ No   If yes, describe briefly (you may also attach photographs):

   _______________________________________________________________________

   _______________________________________________________________________

   _______________________________________________________________________

   _______________________________________________________________________
F. APPLICANT SIGNATURE(S)

ALL PERSONS LISTED ON DEED MUST AGREE TO THIS APPLICATION AND PROVIDE A SIGNATURE (Attach additional sheets if necessary):

Signature: ________________________________
Print Name: ______________________________

Signature: ________________________________
Print Name: ______________________________

Signature: ________________________________
Print Name: ______________________________

Signature: ________________________________
Print Name: ______________________________

Mail or Hand-Deliver Application to:
Beth Cawood Overman
c/o LFUCG PDR Program
101 East Vine Street, 5th floor
Lexington, KY 40507

Contact Beth:
(859) 425-2227
eoverman@lexingtonky.gov