



Date Received: \_\_\_\_\_

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

**The DEADLINE is Wednesday, January 6, 2023**

*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 PDR staff will assist you with the parts of this application you are unable to answer. You may contact Beth Overman at [boverman@lexingtonky.gov](mailto:boverman@lexingtonky.gov) or (859) 425-2227 to obtain assistance and ask questions. You may submit your application to the PDR office by email or mail. If by email, the check for the application fee will need to be mailed or hand delivered.*

*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 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.*

*Please note it is very important to complete all requirements on the application checklist found on the next three pages, in addition to the application itself.*

*Thank you, again, and we look forward to working with you.*

## 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 for a cash payment; or
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.
3. 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

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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 a Forest Stewardship Plan, are attached. The Forest Stewardship Plan is only needed if the majority of the property is forested, but the Soil Map and Conservation Plan are required. 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](mailto: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](mailto: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.  The following forms have been completed at the **Farm Service Agency (FSA) Office at 141 Leestown Way, Suite 200, Lexington** for every person listed on the deed of ownership. Spouses must complete separate forms and if the property is owned by an LLC or partnership, a form must be completed for **the entity** as well as **every member** of the entity. Please enter **2023** as the applicable year. Three forms are required:
- I. **CCC-902I** Form, Farm Operating Plan for an Individual; or CCC-902E Form, Farm Operating Plan for an Entity.
  - II. **CCC-941** Form, Average Adjusted Gross Income.
  - III. **AD-1026** Form, Highly Erodible Land

An appointment can be made by calling the **FSA office at 859-333-0194**, and they may also be able to help you complete these forms over the phone and submit them electronically.

9.  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: \_\_\_\_\_)**

**GENERAL INFORMATION**

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: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
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.

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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.

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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:** \_\_\_\_\_

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**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 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.).

\_\_\_\_\_  
\_\_\_\_\_

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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 or family members, and if 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.

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#### **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? Please note the Rural Land staff in the Office of PDR will verify this for you via LFUCG GIS mapping if you are unsure.

**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? 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**

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):

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**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**

**[everman@lexingtonky.gov](mailto:everman@lexingtonky.gov)**