



Date Received: _____

Property Owner(s): _____

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

The DEADLINE is January 10, 2024

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 based on Chapter 26 of the Code of Ordinances, 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 everman@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 to coordinate a site visit to verify information and take photographs. The staff will rank all applicants utilizing the Land Evaluation and Site Assessment (LESA) system as stated 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

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, and a Forest Stewardship Plan if required, 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 for all applicants. 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 **Anna Arthur of NRCS at anna.arthur@usda.gov or (859) 987-1295 ext. 113** . For assistance with Forest Plans, please contact **Ben Lyle, Kentucky Division of Forestry at ben.lyle@ky.gov or 502-573-1085-office or 502-382-1095-cell**.

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 **2024** 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 859-233-0194**, 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**.*

Property 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 # _____

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.
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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: _____

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.

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** or sited in a **local Historic District (H-1)**?
- ☐ 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):

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

boverman@lexingtonky.gov

Voluntary Information

One of the federal grant application forms the PDR Program completes with eligible property owners asks the question listed below and states that providing an answer is “voluntary and will not be used when reviewing this application or determining whether the landowners meet the ACEP Landowner eligibility requirements”. ACEP is the USDA Natural Resources Conservation Service (NRCS) Agricultural Conservation Easement Program, and the Rural Land Management Board generally seeks 50% of the funding to purchase easements from that Program. It is important that all applicants to the PDR Program are aware their farm’s scoring will be based on the Land Evaluation Site Assessment (LESA) system provided in Chapter 26 of the Code of Ordinances, and that this demographic information will have no bearing whatsoever on the PDR scoring. It is also important to understand that providing this information is not required and is voluntary. Finally, these are federal definitions so if you have questions as to whether you meet a definition, please contact the local Farm Services Agency staff at (859) 233-0194. Thank you.

Question and definitions copied from the NRCS CPA-41A form:

9. Do the landowners of this parcel meet the criteria for any of the following categories? (*Check all that apply*)

Please note that providing this information is voluntary and will not be used when reviewing this application or determining whether the landowners meet the ACEP Landowner eligibility requirements.

- ☐ **Limited-Resource Farmer or Rancher**
- ☐ **Socially Disadvantaged Farmer or Rancher**
- ☐ **Beginning Farmer or Rancher**
- ☐ **Veteran Farmer or Rancher**
- ☐ **Not Applicable**

Definitions are provided in footnotes below. More information is available at:

<http://www.lrftool.sc.egov.usda.gov/>

Limited Resource Farmer or Rancher

means either:

- (1)(i) A person with direct or indirect gross farm sales not more than the current indexed value in each of the previous two fiscal years (adjusted for inflation using Prices Paid by Farmer Index as compiled by National Agricultural Statistical Service), and (ii) Has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous two years (to be determined annually using Commerce Department Data); or
- (2) A legal entity or joint operation if all individual members independently qualify under paragraph (1). A legal entity or joint operation if all individual members independently qualify under paragraph (1) of this definition. A Self-Determination Tool is available to the public and may be completed online or printed and completed hardcopy at: <http://www.lrftool.sc.egov.usda.gov/>

Beginning Farmer or Rancher

means an individual, person, Indian Tribe, Tribal corporation, or legal entity who:

- (1) Has not operated a farm or ranch or non-industrialized private forest land (NIPF), or who has operated a farm or ranch or NIPF for not more than 10 consecutive years. This requirement applies to all members of an entity who will materially and substantially participate in the operation of the farm, ranch, or NIPF.
- (2) In the case of an individual, individually, or with the immediate family, material and substantial participation requires that the individual provide substantial day-to-day labor and management of the farm, ranch, or NIPF consistent with the practices in the county or State where the farm is located.

- (3) In the case of a legal entity or joint operation, all members must materially and substantially participate in the operation of the farm, ranch, or NIPF. Material and substantial participation requires that each of the members provide some amount of the management or labor and management necessary for day-to-day activities, such that if each of the members did not provide these inputs, operation of the farm, ranch, or NIPF would be seriously impaired.

Socially Disadvantaged Farmer or Rancher

means a producer who is a member of a group whose members have been subjected to racial or ethnic prejudices without regard to its members' individual qualities. For a legal entity, at least 50 percent ownership in the legal entity must be held by socially disadvantaged individuals. A socially disadvantaged group is a group whose members have been subject to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities. These groups consist of the following:

- American Indians or Alaska Natives
- Asians
- Blacks or African Americans
- Native Hawaiians or other Pacific Islanders
- Hispanics.

Note: Gender alone is not a covered group for the purposes of NRCS conservation programs. The term entities reflect a broad interpretation to include partnerships, couples, legal entities, etc.

Veteran Farmer or Rancher

means a producer who served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the reserve components thereof; was released from the service under conditions other than dishonorable, and—

- Has not operated a farm or ranch; or has operated a farm or ranch for not more than 10 consecutive years; or
- Who first obtained status as a veteran during the most recent 10-year period.

A legal entity or joint operation can be a veteran farmer or rancher only if all individual members independently qualify.