

ORDINANCE NO. \_\_\_\_\_ - 2026

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 27 AND SECTION 27-5 OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CODE OF ORDINANCES TO ALTER THE MINIMUM CRITERIA FOR A SMALL FARM CONSERVATION EASEMENT TO BE CONSIDERED BY THE RURAL LAND MANAGEMENT BOARD; AMENDING SECTION 27-6 TO ALTER THE REQUIRED INFORMATION TO BE INCLUDED WITHIN AN APPLICATION FOR A SMALL FARM CONSERVATION EASEMENT, ALL EFFECTIVE FOLLOWING PASSAGE OF COUNCIL.

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WHEREAS, the Lexington-Fayette Urban County Government has established a Small Farm Conservation Easement Program, pursuant to Chapter 27 of the Lexington-Fayette Urban County Government Code of Ordinances, allowing smaller farms that are greater than ten (10) acres but less than twenty (20) acres in size to participate in the conservation and preservation purposes underlying the Purchase of Development Rights Program; and

WHEREAS, in implementing the program, the Rural Land Management Board has determined areas where changes are necessary and has proposed amendments to Chapter 27 of the Lexington-Fayette Urban County Government Code of Ordinances to implement these changes; and

WHEREAS, the changes include, but are not limited to, requiring proof that any mortgage on a property be subordinated to the conservation easement, requiring landowners to maintain a Kentucky Agricultural Water Quality Plan, requiring landowners to provide a list of any HOA restrictions and a copy of the those restrictions as part of their application, and allowing properties within the agricultural buffer land category to be considered for participation in the program.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Section 27-5 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Sec. 27-5. – Small farm conservation easements; minimum criteria.

(1) The Rural Land Management Board being charged with, as provided in Section 26-8 of the Code of Ordinances, administering any program funded for the purpose of acquiring conservation easements or other interests in land designed to conserve and manage agricultural, rural and natural lands, shall administer the Small Farm Conservation Easement Program.

(2) In order for a small farm conservation easement to be considered for purchase by the Rural Land Management Board, it must meet the following minimum criteria:

(a) The applicant or applicants must have good, marketable, fee simple title to the parcel of land upon which the conservation easement is proposed to be imposed;

(b) If a mortgage exists on the parcel of land in question, the applicant or applicants must demonstrate that they are able to obtain an agreement from the holder of such mortgage subordinating the mortgage to the conservation easement;

(c) The parcel of land upon which the conservation easement is proposed to be imposed must be located within the agricultural and rural land category, the agricultural buffer land category, or the natural areas category land use categories as determined by the Rural Land Management Plan;

(d) The parcel of land in question shall:

i. Be at least (10), but less than twenty (20), acres in size; and

ii. Be an active farm as defined in Section 26-1.

(e) All landowners of the parcel shall agree for the duration of the conservation easement to maintain:

i. A Kentucky Agricultural Water Quality Plan, which shall be created by the landowner in conjunction with the Fayette County Extension Service and shall be submitted to the Fayette County Conservation District;

ii. A forest stewardship plan created by the Kentucky Division of Forestry if more than sixty-six (66) percent forested, and the landowner shall implement the plan according to the approved schedule; and

iii. A conservation plan created by NRCS, if the USDA Natural Resources Conservation Services (NRCS) has adequate staffing to provide this service.

(f) Applicant shall demonstrate to the satisfaction of the rural land staff that the parcel is engaged in agricultural activities.

Section 2 - That Section 27-6 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Sec. 27-6. – Small farm conservation easements; application procedures and preliminary review.

(1) In order for a small farm conservation easement to be considered for purchase by the Rural Land Management Board, a completed application shall be submitted by the landowner. The landowner or a duly authorized representative of the landowner may apply. All landowners shall sign the application. A separate application shall be required for each parcel of land offered for acquisition. The board shall by regulation establish policies and procedures for the rural land staff to follow in assisting landowners with the application process. The following information shall be included in a

completed application:

(a) Adequate identification by deed reference of the parcel of land to be considered for purchase.

(b) A map of the property at a scale of at least 1"=600' showing the land area to be considered for purchase, as well as any contiguous acreage under the same ownership to be excluded, or a copy of a recorded plat of record, if any.

(c) A Kentucky Agricultural Water Quality Plan, which shall be created by the landowner in conjunction with the Fayette County Extension Service and shall be submitted to the Fayette County Conservation District, a forest stewardship plan, if required per Section 27-5(2)(e)(ii), and a conservation plan created by NRCS, if the USDA Natural Resources Conservation Services (NRCS) has adequate staffing to provide this service.

(d) A full description of the agricultural activity carried out on the property, including, as applicable, type and quality of crops, number of livestock, and acreage of land leased or used by others for agricultural production.

(e) A statement by the landowner of any contingencies which the landowner wishes to make the Rural Land Board aware of such as death, health, or retirement of the owner, financial stress, estate settlement, or other circumstances which may affect the property in the future.

(f) A statement by the landowner agreeing to allow inspection and appraisal of the parcel of land.

(g) A list of any and all liens, mortgages, and encumbrances on the parcel of land and a letter from the holder of each evidencing willingness to subordinate his or its interests to the conservation easement.

(h) Existence of any surface or mineral leases or easements.

(i) A list of any HOA restrictions and a copy of those restrictions.

(j) All other information requested on the approved application form.

(2) A member of the rural land staff shall review the application to determine if it is complete. If the application is complete, a member of the rural land staff shall make a preliminary evaluation of whether the parcel meets the minimum criteria established in section 27-5. If it is determined by the rural land staff that the parcel of land is eligible for the Small Farm Conservation Easement Program, the staff shall notify the landowner in writing that the conservation easement will be considered for purchase or that, for reasons set forth in writing, the application is being rejected.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK, URBAN COUNTY COUNCIL  
PUBLISHED:

xxx-26:TAH: