

AGRICULTURAL DISTRICT PROGRAM - KRS 262.850(Amended)

STEPS FOR FORMING OR AMENDING TO AN AGRICULTURAL DISTRICT

1. Landowners interested in forming an agricultural district or amending to an existing agricultural district must obtain a petition from their local conservation district office.
2. An agricultural district can consist of one or more landowners and contain as many parcels of land that form a contiguous boundary. **The minimum acreage required to form an agricultural district is 50. Individual parcels must contain at least 10 acres of land used for agriculture or horticulture purposes as defined in KRS 132.010, sections (9) and (10).**
3. The Petition must contain each landowner's name, address, and number of acres for each parcel they wish to be included in the agricultural district, **printed legibly**, and each landowner's original signature. If any name, address, or acreage on the petition is illegible, please attach a typed list before submitting the Petition to the Division of Conservation.

Note: No land may be contained in an agricultural district without the approval and signature of the landowner.

4. A "landowner" is defined as individuals, legal guardians, corporations, business districts, estates, trusts, partnerships, associations, or two or more persons having joint or common interest in the land. If more than one person is an owner of any parcel, each individual needs to complete the petition. If the land is owned by a corporation, the corporate name should be specified as the landowner and the original signatures of its officers should follow.
5. KRS 262.850 requires that the names and addresses of all adjoining property owners be obtained and listed in the appropriate place on the Petition. **The conservation district clerk may fill in this information, but it must be filled in. Adjacent landowners do not sign the petition.**
6. The Petition must be submitted to the conservation district in the county in which the land is located. If the land comprising the proposed district is in two or more counties, the Petition should be filed in the county where most of the acreage is located with copies of all related materials being sent to the other conservation district involved.
7. Upon receiving a Petition with the accompanying documents listed in Step 10, **KRS 262.850** requires the conservation district to notify fiscal court, local planning and zoning, city clerks of any city or town within 1 mile of proposed agricultural district or amendment, and regional planning zoning, referred to as Area Development Districts or ADD's. The conservation district shall notify these entities and allow them thirty (30) days to comment on the proposed agricultural district action **prior** to the Board of Supervisors making any recommendations submitted to the Commission.

8. The conservation district's Board of Supervisors has one hundred (100) days upon official receipt of the completed Petition to make a recommendation to the Soil and Water Conservation Commission as follows:
 - Recommend approval of the petition as submitted.
 - Recommend approval with modifications.
 - Recommend denying the petition. The Board of Supervisors must submit written justification for this recommendation.
9. Along with the Board's recommendation, the original Petition and all supporting materials are submitted to the Soil and Water Conservation Commission for final determination. Mailing address for submission is: Kentucky Soil & Water Conservation Commission, ATTN: Mark J. Davis, Division of Conservation, 300 Sower Boulevard, Frankfort, KY 40601 or can be sent to the Division of Conservation's e-mail: Conservation@ky.gov no later than three (3) weeks prior to scheduled SWCC meeting date. This allows time for petition request to be checked and entered into the agricultural district GIS database.
10. Each Petition should be accompanied with the following materials:
 - A map that outlines the perimeter boundary and the boundaries of each parcel of land included in the proposed agricultural district.
 - Examples of acceptable maps would be aerial photo parcel maps from PVA offices (most preferred), FSA farm map, or a Web Soil Survey map.
 - The petitioning landowners and the adjacent landowners must be identified by a name label or numbered legend.
 - It is the petitioning landowners' responsibility to provide accurate information as to the boundaries of the land that they wish to enroll in the Agricultural District Program. If the petitioning landowners are not capable of producing a map as referenced above, conservation district personnel, with the support of their Division of Conservation Environmental Scientist, or NRCS personnel, may assist in producing a map with accurate information provided by the landowners. **The Petition will not be processed without an acceptable map.**
 - Landowner deed copies for each parcel of land included in agricultural district.
 - A completed Agricultural District Tracking Form. This form contains information necessary for processing the Petition.
 - Any comments received from fiscal court, local planning/zoning, regional planning agencies or ADD's, and city or town clerk within 1 mile of agricultural district.
 - Additional information that could assist the Commission in its deliberation to certify an agricultural district or amendment, should there be any opposition involved, would be a conservation plan or an **agriculture water quality plan**, the number of acres in the petition that are considered prime farmland, a breakdown of the land by soil capability classes, or

information relating to the farming activities. This information is extremely useful, but not mandatory.

11. Upon receipt of the Board of Supervisor's recommendation, the Petition, and all supporting materials, the Soil and Water Conservation Commission has one hundred (100) days to review the Petition at a scheduled meeting and recommend one of the following:
 - Certify Petition as submitted.
 - Certify Petition with modifications.
 - Deny the Petition.
12. The Division of Conservation, on behalf of the Commission, will notify the conservation district, county court clerk, local planning & zoning agency, area development district, the Secretary of the Governor's Cabinet, and clerk of city or town within 1 mile of agricultural district if applicable, of the Commission's decision with the appropriate documentation.
13. The conservation district shall forward copies of all documentation received from the Division of Conservation to the individual landowners and copies of approved certifications or amendments to the local property valuation administrator's office.

AMENDMENTS

Previous steps listed shall be followed when petitioning for an amendment (addition) to any certified agricultural district.

WITHDRAWING ACREAGE

A landowner may withdraw acreage from an agricultural district at any time without the Commission's approval, but they **must** inform the conservation district in writing and provide a map depicting the acreage to be withdrawn or provide information detailed enough to allow the conservation district to produce an accurate map. The conservation district must then forward a copy of the written request and map to the Division of Conservation. The remaining acreage enrolled in the Agricultural District Program will not be affected if a withdrawal results in the acreage being non-contiguous or falling below 50 acres.