

## AGRICULTURAL DISTRICT PROGRAM - KRS 262.850 STEPS FOR FORMING AN AGRICULTURAL DISTRICT

1. Landowners interested in forming an agricultural district can obtain a petition to establish an agricultural district from their local conservation district.
2. A proposed agricultural district can consist of one or more landowners and contain multiple 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 without a homestead and 11 acres with a homestead.
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.

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

4. A "landowner" would include 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 may fill in this information, but it must be filled in. Adjacent landowners do not sign the petition.
6. The petition is to be submitted to the conservation district in the county in which the land is located. If the land comprising the proposed district is located in two or more counties, the petition should be filed in the county where the majority of the acreage is located with copies of all related materials being sent to the other conservation district involved.
7. Upon receiving a completed petition, KRS 262.850 requires the conservation district to notify (by registered mail, certified mail, or written confirmation) the local or regional planning and zoning authority and fiscal court. The commission strongly recommends that the closest city or town also be notified that a petition to establish an agricultural district has been filed. The conservation district shall notify these entities and allow them thirty (30) days to comment on the proposed agricultural district prior to the board of supervisors making any recommendations to be 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 should be submitted to the Soil and Water Conservation Commission at the Division of Conservation, 300 Sower Boulevard, Frankfort, KY 40601.
10. Each petition should be accompanied by the following supporting materials:
- A map, approximately 1:24,000 scale, outlining the perimeter boundary or boundaries of each landowner within the proposed agricultural district and indicating adjacent landowner locations.
    - Examples of acceptable maps to use could include aerial photographic imagery obtained from Property Valuation Administrator (PVA) or Farm Service Agency (FSA), a 7.5 minute topographic map, or a soil survey map published within the last 5-10 years.
    - 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 will be responsible for producing a map from the accurate information provided by the landowners. The petition will not be processed without an acceptable map.
  - A completed Agricultural District Tracking Form. This form contains information necessary for processing the petition and a copy is attached to these instructions.
  - Any comments received from planning and zoning or fiscal court.
  - Additional information that could assist the Commission in its deliberation to certify an agricultural district, including but not limited to, any opposition involved, documentation of acres with 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 will mail notification of the commission's decision and appropriate documentation to the conservation district and to the appropriate area development district.
  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 to the local property valuation administrator's office.

### **AMENDMENTS**

These same steps 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.