

Topic: Natural Resource Protection & Conservation
Resource Type: Regulations
State: Kentucky
Jurisdiction Type: Municipal
Municipality: County of Lexington-Fayette
Year (adopted, written, etc.): 2000
Community Type - applicable to: Urban; Suburban; Rural
Title: County of Lexington-Fayette Rural Land Management Ordinance
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Abstract

The Lexington-Fayette urban county government has established this ordinance as a means of institutionalizing the procedure for the protection of natural resources through conservation easement. According to the statute, found under Chapter 26 Rural Land Management (RLM), the RLM Board shall administer any conservation easement program funded by the urban county government, thus bestowing a considerable amount of discretionary power.

Resource

Chapter 26 RURAL LAND MANAGEMENT
Article III. Conservation Easements

Sec. 26-8. Conservation easements; minimum criteria.

(1) The rural land board shall administer any program funded by appropriations from the urban county government or by grant funds or donations from any source, which are appropriated or given for the purpose of acquiring conservation easements or other interests in land designed to preserve and manage agricultural, rural and natural lands. The rural land board shall adhere to any specialized procedures established by the state, federal, or local government or any grant award for a particular program and, to the extent not inconsistent therewith, to any procedures established in this chapter.

(2) In order for a conservation easement to be considered for purchase by the rural land 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) The parcel of land upon which the conservation easement is proposed to be imposed must be located entirely within either the core agricultural and rural land category (CARL) or the natural areas category (NAT) land use categories as determined by the urban county government's comprehensive plan;

(c) The site of any non-conforming or non-agricultural use shall be excluded from the parcel of land upon which the conservation easement is proposed to be imposed;

(d) The parcel of land in question must be at least twenty (20) acres in size and must have at least one (1) development right, as defined in section 26-1(7); and

(e) All landowners of the parcel shall agree for the duration of the conservation easement to maintain a land conservation plan and/or forest stewardship plan, approved by the local soil conservation district, and shall implement the plan according to the approved schedule.

(3) It shall not be necessary for an application to cover all land in common ownership in order to be considered for purchase of a conservation easement. Accordingly, a landowner may submit an application for only a portion of his or its land. In such a case, the minimum criteria in subsection (2) of this section shall only apply to the portion of the landowners' land upon which the conservation easement is proposed to be imposed.

(Ord. No. 4-2000, § 1, 1-13-00)

Sec. 26-9. Conservation easements; application procedures and preliminary review.

Sec. 26-10. Conservation easements; evaluation by staff.

Sec. 26-11. Conservation easement; evaluation by board.

Sec. 26-12. Conservation easements; negotiation.

Sec. 26-13. Conservation easements; appraisal.

Sec. 26-14. Conservation easements; purchase.

Sec. 26-15. Conservation easements; recording.

Article IV. Miscellaneous

Sec. 26-16. Donations.

Sec. 26-17. Conservation easements; enforcement.

Sec. 26-18. Conservation easements; release.

Sec. 26-19. Planning commission duties.