

Forming an Agricultural District

For more information about establishing or expanding an Agricultural District, contact:

KENTUCKY'S AGRICULTURAL DISTRICT PROGRAM

To establish an Agricultural District, landowners obtain a petition from the local Conservation District. The petition must include:

- original signature, name, address, and number of acres for each landowner to be included;
- names and addresses of adjoining property owners;
- map of the proposed district.

Landowners cannot be included in an Agricultural District without their permission.

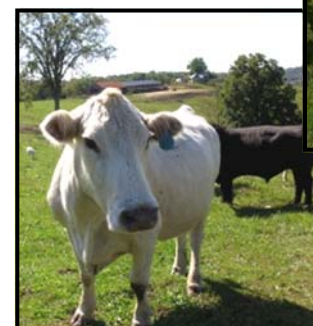
The petition is submitted to the county Conservation District, which notifies the Fiscal Court, county Planning and Zoning agency, and any nearby cities or towns for a 30-day comment period. The Conservation District reviews the petition and agency comments and forwards these to the Kentucky Soil and Water Conservation Commission for action.

Once established, Agricultural Districts are reviewed every five years to make sure that the land contained in the district still meets the acreage and agricultural land use requirements.

The Kentucky Division of Conservation administers the Agricultural District Program with oversight from the Kentucky Soil and Water Commission. Locally, the program is administered by county Conservation Districts.

Campbell County Conservation District
8350 East Main Street
Alexandria, KY 41001
(859) 635-9587

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What is an Agricultural District?

Purpose

Agricultural district laws allow farmers to form special areas where commercial agriculture is encouraged and protected. They are designed to protect agriculture as a viable segment of the state's economy and the land as an important and valuable natural resource. At least sixteen states have enacted agricultural district laws, each with their own unique set of incentives.

Kentucky's Agricultural District Program became the law embodied in Kentucky Revised Statute (KRS) 262.850 on July 15, 1982, after passage of House Bill 744, the Agricultural District and Conservation Act. The law was amended in 1984 and 2000.

The original legislation arose from the work of the Agricultural Land Study and Policy Committee formed by executive order of Governor John Y. Brown Jr. in 1981. This committee uncovered some alarming facts about Kentucky's agricultural land base. Between 1967 and 1977, Kentucky lost approximately 928,785 acres of farmland to non-agricultural uses, which is equal to a

loss of 254 acres per day. Of the 928,785 acres lost, *prime* farmland constituted 250,000 or 26.9 percent of those acres. It was estimated that if conversion of *prime* farmland continued at that rate, Kentucky would lose an additional 10 percent of its total prime farmland.

Agricultural districts provide a means by which agricultural land may be protected and enhanced as an important and valuable natural resource; make public review of the acquisition of property by a government body necessary; and force governments to consider the impacts of their action on an agricultural area and search out alternatives.

Who Is Eligible?

An agricultural district must contain a minimum of **50** contiguous acres which are in agricultural use (contiguous acres may cross roads). Each landowner within the proposed district must have at least 10 acres without a homestead or 11 acres with a homestead. If it is classified as horticultural land, you must have 5 acres without a homestead.

The land must be agricultural land as defined in KRS 132.010 (9), "used for the production of livestock, livestock products, poultry, poultry products and/or the growing of tobacco and/or other crops including timber, or where devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government."

Protection

Agricultural districts offer members the following protection under the law:

- the right to have their land assessed by the local property valuation administration at the land's agricultural use value;
- protection against involuntary annexation;
- deferred assessment of fees for water service line extensions as outlined in KRS 74.177 until the land is removed from the agricultural district and sold for non-agricultural purposes (the landowner pays only for their current water service connection); and,
- the right to request that the local soil and water conservation district board hold a public hearing on the proposed taking of land under condemnation proceedings initiated by certain utilities. Utilities defined in KRS 278.010 (3) and obtaining a certificate of convenience and necessity as required by KRS 278.020 (1) are exempt from this provision.

Benefits

As a member of an agricultural district, you receive extra points when applying for the Kentucky Soil Erosion and Water Quality Cost Share Program or the for Kentucky Purchase of Agricultural Conservation Easements program.

Membership in an agricultural district is voluntary.

Landowners may withdraw from the district at any time by notifying the Conservation District in writing.

If a withdrawal of land lowers the original acreage below **50** acres, the agricultural district remains in effect for the remaining landowners.

