

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 26 OF THE LEXINGTON-FAYETTE URBAN COUNTY CODE OF ORDINANCES RELATED TO RURAL LAND MANAGEMENT TO: CLARIFY THE DEFINITION OF "DEVELOPMENT RIGHT"; AMEND BOARD MEMBERSHIP TO INCREASE THE NUMBER OF BOARD MEMBERS FROM THIRTEEN (13) TO SIXTEEN (16), INCLUDING ADDING ONE (1) COUNCILMEMBER TO THE BOARD, AND UPDATE THE ORGANIZATIONS THAT NOMINATE MEMBERS; PROHIBIT A MEMBER OF THE BOARD FROM SUBMITTING AN APPLICATION TO SELL A CONSERVATION EASEMENT WHILE A MEMBER OF THE BOARD AND FOR ONE (1) YEAR AFTER SERVING ON THE BOARD; AND AMEND APPLICATION PROCEDURES AND APPRAISAL PROCEDURES TO DELETE REFERENCE TO LANDOWNER OBTAINING AN INDEPENDENT APPRAISAL. (URBAN COUNTY COUNCIL).

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WHEREAS, the Lexington-Fayette Urban County Council has considered amendments to Chapter 26 of the Lexington-Fayette Urban County Code of Ordinances related to Rural Land Management to clarify the definition of development right, board membership, application procedures and appraisal procedures of the Rural Land Management Board; and

WHEREAS, this Council believes that the following amendments will clarify said issues;

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

Section 1 – That Section 26-1(7) of the Lexington-Fayette Urban County Government Code of Ordinances shall be deleted in its entirety.

Section 2 – That Section 26-3(1) of the Lexington-Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

- (1) The rural land board shall consist of sixteen (16) members. Thirteen (13) members shall be voting members and three (3) shall be ex officio non-voting members.

Section 3 – That Section 26-3(2) of the Lexington-Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

- (2) The thirteen (13) voting members shall be residents of Fayette County and shall have demonstrated an interest in farming, farmland preservation, conservation of natural areas, or other agricultural, rural and natural lands preservation and management issues. They shall be appointed by the mayor, subject to confirmation by a majority of the council, from the following:

Section 4 - That Section 26-3(2)(g) of the Lexington-Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

- (g) One (1) member from names submitted by private non-profit

organizations involved in land conservation, such as, but not limited to, the Nature Conservancy, the Bluegrass Land Conservancy, Inc., and the Sierra Club, Inc.;

Section 5 – That Section 26-3(2)(j) of the Lexington-Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

- (i) One (1) member from a list of not less than two (2) names submitted by Commerce Lexington, Inc., provided that each nominee must have a background in agricultural lending or agricultural finance.

Section 6 – That Section 26-3(2)(i) of the Lexington Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

- (j) Two (2) members from a list of names submitted by the urban county council, with each council member submitting no more than one name, provided that each nominee be a leader and meet the qualifications specified in Section 26-3(2).

Section 7 – That Section 26-3(3) of the Lexington-Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

- (3) Three (3) non-voting members shall be ex officio, members of the rural land board and shall consist of the following positions:
  - (a) The Fayette County extension agent appointed pursuant to KRS 164.605, et. seq. or any successor position; and
  - (b) The supervisory resource manager, for Fayette County appointed by the Natural Resources Conservation Servicers of the United States Department of Agriculture pursuant to 7 C.F.R. Sec. 600.6, or any successor position ; and
  - (c) One (1) member of the Lexington Fayette Urban County Council.

Section 8 – That Section 26-5(2) of the Lexington-Fayette Urban County Government Code of Ordinances is hereby amended as follows:

- (2) A majority of the voting members of the rural land board, that is seven (7) voting members, shall constitute a quorum for transaction of business at any meeting of the rural land board. The acts of a majority of those voting members present at any regular or special meeting of the rural land board shall be the acts of the rural land board, except as provided below:
  - (a) It shall take a vote of eight (8) voting member to:
    - 1. Propose to the urban county council that Section 26-10, relating to criteria to be used to evaluate application for consideration of conservation easements, be changed or amended;
    - 2. Approve, pursuant to Section 26-14(2), the purchase of conservation easements;
    - 3. Approve, pursuant to Section 26-18(2)(a), the acceptance of payment for release of a

- conservation easement which has been included within the urban service area boundary; or
4. Approve, pursuant to Section 26-18(3), the release of a conservation easement within the rural services area boundary.

- (b) It shall take a vote of seven (7) voting members to adopt bylaws or regulations.

Section 9 - That Section 26-7(2) of the Lexington Fayette Urban County Government Code of Ordinances is hereby amended as follows:

- (2) No member of the Board shall submit an application offering to sell Conservation Easement in eligible land while a member of the Board or within one (1) year of serving on the Board.

Section 10 - That Section 26-8(2)(d) of the Lexington-Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:

Sec. 26-8(2)(d). - Conservation easements; minimum criteria


- (d) The parcel of land in question must be at least twenty (20) acres in size; and

Section 11 - That Section 26-13(2)(c) of the Lexington Fayette Urban County Government Code of Ordinances is hereby amended to read as follows:


- (2)(c) The letter shall also advise the landowner of the additional points which may be secured pursuant to Section 26-14(1), if he or it timely notifies the rural land staff that he or it will sell the conservation easement for less than the conservation easement value, as determined by the rural land board appraisal.

Section 12 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 21, 2019

  
MAYOR

ATTEST:

  
Clerk of Urban County Council  
Published: March 28, 2019-1t