



Lexington-Fayette Urban County Government  
FAYETTE COUNTY RURAL LAND MANAGEMENT BOARD, INCORPORATED

Jim Gray  
Mayor

Derek J. Paulsen, Ph.D.  
Commissioner

**Minutes**

**Monday, September 28, 2015**

**Call to Order:** 3:00 p.m.

**Location:** 3<sup>rd</sup> Floor Conference Room of Phoenix Building

**Voting Members:** Greg Bibb - Chair, Commerce Lexington  
Mariana Marye - Vice-Chair, Fayette County Neighborhood Council  
Don Robinson - Treasurer, Fayette County Farm Bureau  
Mary Ann Delaney, Land Conservation Group  
Nathan Billings, Lexington Convention & Visitors Bureau  
Frank Penn, Kentucky Thoroughbred Association  
Debbie Long, Historic Preservation Group  
Headley Bell, Kentucky Thoroughbred Association

**Non-Voting Members:** Charlie Farmer, Natural Resources Conservation Service  
Nick Carter, Fayette County Extension Agent

**Absent:** Joe Clabes, Lexington-Bluegrass Association of Realtors  
Kristin Clark, Fayette County Farm Bureau

**LFUCG:** Beth Overman, PDR Director  
Tracy Jones, Law Department Counsel  
Chris King, Director of Planning  
Jim Duncan, Manager of Long-Range Planning

**I. Attendance**

Chair Bibb asked the board members, staff and members of the public to sign the attendance sheet.

**II. Approval of the August 18, 2015 Meeting Minutes**

BOARD ACTION

On a motion made by Vice-Chair Marye, seconded by Mr. Penn, the Board voted unanimously (7-0) to approve the August 18, 2015, meeting minutes. Ms. Long had not arrived yet, so she did not vote.

### III. **Education and Outreach Committee Report**

Treasurer Robinson reported the Committee has been meeting with the founders of the program, and is finding the meeting very informative. He noted the objective right now is to continue seeking input. Mr. Bell added how insightful these meetings have been for him as someone newer to the Board, and encouraged other members to attend when possible. Ms. Overman said Chair Bibb had suggested taking the notes from these meetings, and including them in the orientation for new members. The Board agreed that would be useful.

### IV. **Special Presentation by Chris King, Director of Planning**

Mr. King talked to the Board about updating the Rural Land Management Plan (RLMP) as part of the update of the city's Comprehensive Plan. The discussion included the formation of the PDR program; a review of what has been accomplished; and future issues to consider. Mr. King reported the RLMP update will be guided by the Planning Commission, and it is belief that 2-3 members of the Rural Land Management Board should be participate in the committee. The Board expressed gratitude to Mr. King for his insightful presentation, and for his leadership in protecting the rural area.

### V. **Old Business**

For all Old and New Business items, Ms. Overman provided the following reports via memo before the meeting, and included the memos in the Board's packets. Chair Bibb read through the agenda headings and asked if there were any questions.

- A. **RLMB Legal Documents: Agricultural Land Easement Deed, Contract to Purchase, Letter of Intent and Offer Letter**
- RLMB closing attorney, John Watz, is being contracted to draft these documents and is currently reviewing them in context with the Ordinance. We will schedule a call with NRCS in the next couple of weeks for John to ask questions, then he will proceed with drafting the deed.
  - We may need to call a special meeting if he has the deed ready to submit to NRCS before our Nov. 23rd meeting.
- B. **PDR Applications**
- We received 7 applications totaling over 1,000 acres.
  - Nick will accompany me to visits to obtain ranking information.
  - I will present initial rankings at our next meeting.
- C. **Farm 2-2015, Cell Tower Issue**
- This is our top-ranked farm in our ACEP funding that was just announced and as you all know, he signed a contract with Verizon for a cell phone tower.
  - The application was denied at the 9/10/15 Planning Commission Hearing.

- Verizon will appeal the decision in federal court, so we will need to keep this application on the back burner until the issue is resolved.

D. **Farm 5-2012, Ball Realty, LLC**

- The farm closed on 8/25/15.
- Mrs. Ball raised the issue at closing that she will likely donate the rest of the farm to PDR, but this is not a good year tax-wise.

**VI. New Business**

A. **Farm 7-2011, McLean Holdings, LLC/Don Alberto Corporation**

Ms. Overman reported that Farm 7-2011 owned by the McLean family, is being purchased by neighboring farm, Don Alberto Corporation, on October 3<sup>rd</sup>. The future owners have requested permission to add a road connecting the two farms, as illustrated in the drawing attached to the memo. The proposed road will equal 16,380 square feet of impervious surface area. The landowner has a 2% impervious surface limit and a current total of 1.2%. The current impervious acreage is 4.35 and the 2% limit allows 7.24 acres. The added infrastructure is approximately .37 acres resulting in a total of approximately 4.73 acres, so they are safely within their limit. She reported Charlie Farmer has reviewed this request and stated the road appears necessary to combine the two farms into one operation. Based on his analysis and the adherence to the impervious surface limit, Beth and Charlie recommend Board approval.

**BOARD ACTION**

On a motion made by Mr. Billings, seconded by Ms. Long, the Board voted unanimously (8-0) to approve the infrastructure request.

B. **Farm 35-2006, Bill Shively/Dixiana**

Ms. Overman reported via memo that Mr. Shively would like to build an addition onto his home with an impervious area footprint of 2346 sq. ft. She reported the landowner has a current impervious surface area of 2.38% and received a waiver in 2009 from the RLMB and the NRCS to have a 3% impervious surface limit. The current impervious acreage is 8.70 and the 3% limit allows 10.96 acres. The added infrastructure is approximately .05 acres resulting in a total of approximately 8.75 acres, so they are safely within their limit. She reported Charlie Farmer has reviewed this request and based on his analysis and the adherence to the impervious surface limit, Ms. Overman and Mr. Farmer recommend Board approval.

**BOARD ACTION**

On a motion made by Vice Chair Marye, seconded by Mr. Billings, the Board voted unanimously (8-0) to approve the residential expansion request from Mr. Shively.

### C. **Defining Reasonable Expansion**

Ms. Overman reported that most PDR deeds allow “reasonable expansion” of residences. She reported having received two requests for residential expansions in the last month and approved one at the staff /chair level, but struggled with whether the Shively request should be approved without Board approval due to its size. She gathered input from Greg, Dede, Charlie and Mike, and the consensus is the Board needs to adopt a policy that sets parameters for staff/chair approvals of residential expansions. This policy will likely only apply to farms currently under easement, as all of the new farms going forward will have building envelopes around their residences that allow expansion. Chair Bibb’s suggestion for the Board policy is a limit of 1000 sq. ft. or 10% of the current residence, whichever is largest. The Board agreed. The staff/chair approval group will include the PDR Director, the RLMB chair, the NRCS District Conservationist, and the LFUCG attorney. Ms. Overman suggested the following plan:

1. Landowner submits request to PDR Director including drawings/photos containing square footage of impervious surface to be added.
2. PDR Director reviews landowner’s deed for expansion language; historic, scenic and other features for which points were received; and impervious surface limit.
3. PDR Director submits request to GIS to calculate impervious surfaces if deed contains a limit.
4. PDR Director forwards landowner’s submitted drawings, deed language and GIS calculations to District Conservationist. District Conservationist reviews proposed expansion location for impact on soils and makes recommendation to PDR Director.
5. PDR Director and District Conservationist make recommendation to Board Chair via email and copy Law Department. E-mail will contain landowner’s deed, submitted drawings, impervious surface calculation, and other pertinent documentation.
6. Board Chair approves and PDR Director notifies landowner. Board Chair may also decide the request warrants full Board consideration.
7. Action is reported to Board at the following meeting.

Mr. Billings suggested it be added to this list that Ms. Overman has the option to refer the matter to the Board, even if it meets the size criteria for staff/chair approval. The Board agreed.

#### **BOARD ACTION**

On a motion made by Mr. Billings, seconded by Treasurer Robinson, the Board voted unanimously (8-0) to approve the policy defining reasonable expansion to include Chair Bibb’s suggestion of a limit of 1000 sq. ft. or 10% of the square footage of the house, whichever is largest; Mr. Billings’ suggestion that the PDR Chair be given the option to bring the matter to the Board even when it meets the size criteria; and include the process steps listed above.

**D. 2015 Cooperative Agreement**

- Received \$1.7 million
- May lose 1 farm due to cell tower issue but can substitute farms in 2015 Agreement.
- Will not start appraising farms until NRCS approves our deed so we are not in danger of appraisals expiring after 12 months.
- We have until August 31, 2017, to request reimbursement through this Agreement, so we can request additional matching funds in next year's budget if needed. We currently have \$2.6 million in bond funds, \$1.35 million of which is unallocated.

**E. Supplemental Appraisals for 2014 Cooperative Agreement**

- NRCS requires appraisals to be made within 12 months of closing and as you all know, our closings have been delayed due to our deed not being approved. The appraisals on our 7 farms under contract were conducted November 3, 2014, through January 13, 2015, so we will likely have to pay Paul Moore to conduct supplemental appraisals on all 7 farms. Paul performed this task for the Balls and charged us \$1,000, but I will try to negotiate a lower rate since multiple supplemental appraisals will be needed.

**VII. Announcements and Public Comment**

- Ms. Overman reported she will attend the National Land Trust Alliance Conference in Sacramento in October. The conference includes multiple breakout sessions relevant to our current program needs, and also includes a breakfast roundtable with Jeremy Stone, the Director of the Agricultural Conservation Easement Program, which is only open to leaders of conservation programs who have established partnerships with ACEP.
- She reported we will cancel our October 12th meeting. Our regularly scheduled November meeting is the 23rd, but we may move it to an earlier date.

Mr. Billings noted the new memo format Ms. Overman used for this meeting was very helpful and expedient.

**VIII. Adjournment****BOARD ACTION**

On a motion made by Ms. Long, seconded by Vice-Chair Marye, the Board voted unanimously (8-0) to adjourn.