

### **262.110 Hearing on creation of district -- Matters to be considered.**

- (1) Within thirty (30) days after a petition has been filed with the commission under KRS 262.100, it shall cause due notice to be given of a proposed hearing upon the questions of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of the district; of the appropriate boundaries to be assigned to the district; of the propriety of the petition and other proceedings taken under this chapter, and upon all questions relevant to such inquiries. All owners and occupiers of land within the limits of the territory described in the petition and of lands within any territory considered for addition to the described territory, and all other interested parties may attend the hearing and be heard.
- (2) If it appears upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned, due notice of further hearing shall be given throughout the entire area considered for inclusion in the district and a further hearing shall be held. After that hearing, if the commission determines, upon the facts presented at the hearing and upon other available relevant information, that there is need, in the interest of the public health, safety and welfare, for a district to function in the territory considered at the hearing, it shall make and record the determination, and shall define, by metes and bounds or by legal subdivisions, the boundaries of the district.
- (3) In making the determination and in defining the boundaries, the commission shall give weight and consideration to the topography of the area considered and that of the state; the composition of soils; the distribution of erosion; the prevailing land-use practices; the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits those lands may receive from being included within the boundaries; the relation of the proposed area to existing watersheds and agricultural regions and to other districts already organized or proposed for organization under this chapter; and other relevant physical, geographical and economic factors, having regard to the legislative determinations set forth in KRS 262.020. The territory to be included within the boundaries need not be contiguous. If the commission determines after the hearing, after consideration of the relevant facts, that there is no need for a district to function in the territory considered at the hearing, it shall make and record the determination and shall deny the petition.

**Effective:** October 1, 1942

**History:** Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 42i-5.