

RIGHT-TO-FARM NOTICE COVENANT

Minnehaha County has a vibrant agricultural economy. The agricultural sector in our county is the leading industry in the unincorporated portions of the county and the continued well-being of this industry entails certain characteristics and requires particular safeguards.

Given the nature of agriculture, some impacts or intrusions on neighboring land uses are inevitable. Dust, smoke, noise, odors, the use of various fertilizers or pesticides, odd hours of operation, and the operation of many types of heavy equipment and machinery are all common in the agricultural sector. For this reason, the majority of the county's rural area is zoned to allow for continued agricultural production. Some non-farm rural residents fail to understand that, by choosing to live in the country, they are also choosing to live among working farms and ranches. Country living also brings particular responsibilities such as the erection and maintenance of fences, the control of pets or livestock, and the control of noxious weeds.

In order to assist in raising the awareness of rural residents about the realities of living among farms and ranches, Minnehaha County has instituted an

informational tool called a right-to-farm notice covenant. Before any residence may be constructed in the rural portions of the county, such a covenant must be filed on the particular property at the Register of Deeds. The covenant becomes a permanent part of the deed record on the property and acknowledges the wide variety of potential impacts which might result from living in the agricultural sector.

ADDITIONAL CONSIDERATIONS

The right-to-farm notice covenant must be filed at the Register of Deeds. The Register of Deeds will charge a fee to file the document. State law governs the filing of any document on a parcel of property. The right-to-farm notice covenant form must be properly completed in both the 'prepared by' and the 'legal description' sections. Your signature on the form must also be notarized. Do not make any marks or notations in the margins of the attached form or the Register of Deeds may be prohibited from filing the covenant. Also, please use only a black pen when completing the form. Any other color of ink may require that the Register of Deeds add additional charges onto the standard filing fee.



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Prepared by:

Name _____

Address _____

Phone: _____

RIGHT TO FARM NOTICE COVENANT

You are hereby notified that the property you are purchasing is located near agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facility operations. Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production; ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws. Discomforts and inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. You are also notified that there may be the potential for agricultural or agricultural processing operations to expand. This notification shall extend to all landowners, their heirs, successors or assigns and because it is required pursuant to a conditional use permit, may not be removed from the record title without consent of the Minnehaha County Planning Commission.

Property Owner Name and/or Address _____

Legal Description: _____

Signature

State of South Dakota County of Minnehaha.

On this the _____ day of _____, 20____, before me, _____, the undersigned officer, personally appeared _____, known to me or satisfactory proven to be the person whose name is subscribed to the within instrument and acknowledged that _____ executed the same for the purposes contained.

In witness whereof I hereunto set my hand and official seal.

_____ My commission expires _____