

AGRICULTURAL PRESERVE PROGRAM

In 1982 the Legislature passed the Metropolitan Agricultural Preserve Act. The Act is intended to encourage the protection of farmland from premature conversion to non-agricultural uses. Participation in the program is strictly voluntary; the owner of the land must sign up for the program. Most of the land in Carver County outside of the cities is eligible for the program provided the land meets further detailed criteria. Some of the cities have areas that have been designated as eligible for the program. A land owner enters the program by placing a restrictive covenant on the land - through this covenant the landowners agrees to certain restrictions on the use of the land and in return gets certain benefits.

BENEFITS: The following is a summary of the major benefits associated with the program:

1. The major benefits for most land owners are: a real estate tax benefit (see back of sheet for explanation); and the tax value of the land will be based on its agricultural value, not its development value.
2. Sewer and water lines cannot be constructed through your property so as to benefit your property nor can you be assessed for such improvements.
3. You are protected from laws or ordinances that would restrict normal farm practices except as relating to the public health and safety.
4. Your land cannot be annexed to a city except under very special circumstances or unless you have filed the expiration documents.
5. Limitations are placed on eminent domain action taking more than 10 acres of land that is in ag preserve.

RESTRICTIONS: The following is a summary of the major restrictions on land in the program:

1. The land shall continue to be used principally for agricultural purposes.
2. There shall be no more than 1 home per 40 acres - this restriction is no more restrictive than the County Zoning Ordinance. The land is not eligible for additional homes under the "wooded lot" or "high amenity" provisions of the zoning ordinance. All of the County Zoning and Subdivision regulations apply (regardless of whether the land is in ag preserve or not).
3. The land must be farmed and managed according to sound soil and water conservation practices.
4. The land must remain in the program for minimum of 8 years. The covenant is forever unless the land owner specifically applies to have the covenant terminate. The covenant terminates 8 years after the land owner executes the forms to terminate the covenant.

ELIGIBILITY FOR THE PROGRAM:

In order to be eligible, the land must be in an area that is planned for long term agriculture and is zoned for agriculture. Almost all of the land outside city limits in the County is eligible under these criteria. In addition, land to be placed in the program must meet one of the following criteria:

1. The land must be a minimum of forty acres or a complete 1/4 1/4 section; or,
2. A number of parcels all of which must be a minimum of 10 acres and not adjacent to each other and adding up to at least 40 acres; or,
3. A parcel of land of at least 20 acres and meeting a number of special criteria.

HOW TO APPLY OR GET FURTHER INFORMATION

The County Land Management Dept. in the Government Center administers the program. The Office will provide forms and assistance in entering the program and information about the program. When you enter the program you are placing a legal restriction on your land; you may wish to contact your attorney before you enter the program. In order to apply, a copy of the current legal description of your land will be needed. This can be a copy of your deed, contract for deed, or a copy of the description on your abstract. If your land is Torrens land, you should bring in your owner's duplicate title. The covenant document must be signed by all persons with an ownership interest in the property. Both husband and wife must sign even if only one name appears on the deed. If you are purchasing the land on a contract, the holder of the deed and any other contract holders must also sign. There signatures must be notarized.

There is no deadline for applications, but for the tax benefit to be effective in any given year, ***the application must be completed and physically filed in the Land Management Office on or before February 28.*** There is a \$50 dollar filing fee.

For further information contact Carver County Land Management: (952) 361-1820

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