



Lincoln County Planning Department
Website: <http://www.lincolncountymt.us/planning-home>

Planning: 406-283-2444 Addressing: 406-283-2464

**NOTIFICATION AND SOLICITATION OF COMMENTS FROM GOVERNING BODY
FOR DIVISIONS OF LAND FOR AGRICULTURAL USE ONLY [MCA 76-3-207 (1)(C)]**

This application is used only for proposals involving Divisions of Land Proposed for Agricultural Use Only [76-3-207(1)(c), MCA and the Lincoln County Subdivision Regulations, specifically as follows:

- Divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;
- Notwithstanding the above, a change in use of the land exempted pursuant to 76-3-207(1)(c), MCA for anything other than agricultural purposes subjects the division to full subdivision review. [76-3-207(2)(b), MCA]

The following are required with the submittal of a Agricultural Exemption to Planning:

- Acceptance Certificate of Survey – Agricultural Exemption form
- Sanitation Checklist
- \$150 processing fee for the Planning Department

Property Owner(s): (If more than 2, please attach additional sheet)

Name: _____ **Occupation:** _____
Address: _____ **Phone:** _____
City/State/Zip: _____ **Email:** _____

Name: _____ **Occupation:** _____
Address: _____ **Phone:** _____
City/State/Zip: _____ **Email:** _____

Surveyor/Representative:

Name: _____ **Firm:** _____
Address: _____ **Phone:** _____
City/State/Zip: _____ **Email:** _____

Parcel Description(s) of Existing Tracts

Physical Address: _____
Tax ID No: _____ **GeoCode:** _____
Section: _____ **Township:** _____ **Range:** _____

Other Legal Description: _____

How & When was parcel Created? (example: Occasional Sale COS 999, 10/2/2020)

Reasons/Justifications for Use of this Exemption

Intentions for uses of the property (List or discuss the property owners' intentions for the use of each resulting parcel. For example, will the parcel(s) be used for agriculture, commercial, residences, cemetery lots, a right-of-way, etc.?):

Intentions for disposition (For example, is the intent to prepare tracts for sale, secure a construction loan, settle an estate or divorce, etc.?):

Acknowledgement:

- I/We are aware by placing this exemption on the above stated parcel(s), we are attesting that nothing is planned for development and the use of this property will be for agricultural purposes.
- I/We, the undersigned landowner(s) and exemption claimant(s) understand that the State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the transactions are an attempt to evade the Montana Subdivision and Platting Act or local subdivision regulations.
- I/We affirm that this exemption claim is not an attempt to evade the Montana Subdivision and Platting Act or the Lincoln County Subdivision Regulations
- I/We recognize that I/We may be subject to penalties if my actions are deemed to be an effort to evade subdivision review, as set forth in Montana law(s) (76-3-301(3) & 45-7-203(1) MCA
- I/We also recognize that making false statements on this form could subject me to criminal prosecution for False Swearing (per MCA 45-7-202) and Perjury (per MCA 45-7-201).

Signatures:

I/We, as Claimant(s), has/have read the foregoing Exemption Claim Application, and affirm that my/our statements and information are true and correct to the best of my/our knowledge.

Property Owner/Plaintiff Signature & Date

Property Owner/Defendant Signature & Date

Required Attachments

- Copies of recorded deeds documenting present ownership in affected parcels
- Copies of all deeds, contracts, restrictions, and covenants related to this property recorded or entered into within the past year
- Site plan (or draft certificate of survey) showing the approximate gross and net lot sizes (in acreage or square feet), proposed property lines, and all existing and proposed structures. Show existing and proposed wells, sewer systems, and similar infrastructures.
- A completed Sanitation Exclusion Checklist and all documentation in support of the sanitation exemption(s), if applicable
- Copies of any existing permits for the development on the property

Reviewed By: COUNTY REVIEW & SIGNATURES ONLY

- Approved
- Denied

Conditions of Approval / Reason for Denial:

Lincoln County Commissioner, Chairperson

Date

Planning Director/Department

Date

Sanitarian

Date

Clerk & Recorder

Date

Address Tech

Date