



**LINCOLN COUNTY PLANNING DEPARTMENT**

512 CALIFORNIA AVE | LIBBY, MT. 59923 | P: (406) 283-2309

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**EXEMPTION APPLICATION  
for DIVISIONS OF LAND FOR AGRICULTURAL USE ONLY [MCA 76-3-207 (1)(c)]**

This application is used for proposed divisions creating parcels for Agricultural Use Only [76-3-207(1)(c), MCA] and is subject to the evasion criteria detailed in the *Lincoln County Subdivision Regulations Chapter VI-D-3*.

- Use of this exemption from the subdivision review process requires the applicant enter into 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 as defined in the Lincoln County Subdivision Regulations***. The applicant must demonstrate that the land can support agricultural uses (adequate soil, limited slope, size);
- Notwithstanding the above, a change in use of the land for anything other than agricultural purposes subjects the parcel to the subdivision review process. [76-3-211, MCA]

**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**

**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

\_\_\_\_\_  
Date

Property Owner

Date

**Required Attachments**

Submit the original, signed application with the following information:

- Two (2) paper copies of draft survey and closure report
- Copies of all deeds, contracts, restrictions, and covenants related to this property
- 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
- Signed Agricultural Covenant (on face of survey – see attached language)
- Examination Fees (Check payable to Lincoln County)

**COUNTY REVIEW & SIGNATURES ONLY**

- Approved       Denied

**Conditions of Approval / Reason for Denial:**

\_\_\_\_\_  
Planning Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Health Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk & Recorder

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address Tech

\_\_\_\_\_  
Date

## Declaration of Agricultural Covenant

I, (we) certify that the purpose of this survey is to create a parcel of land to be used exclusively for agricultural purposes and that a covenant has been entered into by the parties to the transaction, running with the land and revocable only by mutual consent of the governing body and the property owner(s), that the land will be used exclusively for agricultural purposes, and that this survey is, therefore exempt from review as a subdivision pursuant to 76-3-207(1)(c), MCA.

Now, therefore, Declarant hereby declares that the parcel(s) described above shall be held, sold and conveyed in any matter subject to the following covenant, which shall run with the real property and be binding on all parties having any right, title or interest in the described property (properties) or a part thereof, their heirs, executors, successors, administrators and assignees, and shall bind each owner thereof. The governing body is deemed a party to enforce this covenant to wit.

**DECLARATION:**

This Declaration, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

by \_\_\_\_\_ herein

after referred to as the "Declarant(s)". That whereas, Declarant is the owner of certain property described as: \_\_\_\_\_, Instrument No.: \_\_\_\_\_.

The parcel(s) described above shall be used exclusively for agricultural purposes and no building, house, dwelling or structure requiring water or sewage facilities may be erected or utilized thereon. A change in use of the land for anything other than agricultural purposes subjects the land to the provisions of Parts 5 & 6 of the Montana Subdivision and Platting MSPA in the Montana Code Annotated (Title 76, Chapter 3).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

**Lincoln County Board of Commissioners**

Attest:

\_\_\_\_\_  
Commissioner Chairperson

\_\_\_\_\_  
, Clerk & Recorder

State of Montana, County of Lincoln

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public for the State of Montana, personally appeared before the members of the Board of County Commissioners, and County Clerk & Recorder, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal the day and year first above written.

(seal)

Print Name: \_\_\_\_\_  
Notary Public for the State of Montana  
Residing in Libby, Montana  
My Commissioner expires: \_\_\_\_\_