

**ADMINISTRATIVE MATERIALS "M"**

Return to:

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**MODEL AGRICULTURAL COVENANT**

WHEREAS, the Montana Subdivision and Platting Act, 76-3-101 through 76-3-625, MCA, provides for an exemption of divisions of land 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.

WHEREAS, the Lake County Subdivision Regulations define "agricultural purpose," as the use of land for raising crops or livestock, or for the preservation of open space, and specifically excludes residential structures and facilities for commercially processing agricultural products.

WHEREAS, the Lake County Subdivision Regulations require the covenant to be signed by the property owner, the buyer or lessee, and the County Commissioners.

WHEREAS, the landowner of property described as \_\_\_\_\_ Section \_\_, T. \_\_ N, R \_\_ W, being \_\_\_\_\_ acres, desires to use this exemption to create Tract/Parcel/Lot \_\_\_\_\_ of COS \_\_\_\_\_ for agricultural purposes.

WHEREAS, any change in use of the land for anything other than agricultural purposes subjects the parcel to review as a minor subdivision.

WHEREAS, the above referenced property occurs within an area currently designated as a “ \_\_ acre per unit Development Density Region” under the current Lake County Density Map and Regulations, which are zoning regulations adopted under Title 76, Chapter 2, MCA.

NOW THEREFORE BE IT RESOLVED THAT: the Lake County Commissioners and the land owner mutually agree that hereby certify that use of the exempted parcel shall be for agricultural purposes and that no residential, commercial and industrial structures, including facilities for commercial processing of agricultural products shall be maintained on the exempted parcel unless this covenant is revoked.

I, the undersigned land owner of the above-described property, do further understand and acknowledge that the acreage and number of units within this division shall be factored into the density calculations for the subsequent subdivision of any lot in order for this exemption to meet the requirements of the local zoning regulations. I, the undersigned land owner further understand and acknowledge that any transfer of ownership to person(s) other than the above-named person shall subject the property to this same requirement.

