

1 SENATE BILL NO. 275
2 INTRODUCED BY F. MANDEVILLE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A GOVERNING BODY MAY REVOKE AN
5 AGRICULTURAL COVENANT AND DIVISION OF THE LAND MAY PROCEED WITHOUT SUBDIVISION
6 REVIEW IF THE LAND IS ANNEXED INTO A MUNICIPALITY; AND AMENDING SECTION 76-3-211, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 Section 1. Section 76-3-211, MCA, is amended to read:

11 "76-3-211. Agricultural covenant -- change in use. (1) A change in use for anything other than
12 agricultural purposes subjects a division of land that received an exemption under 76-3-207(1)(c) to subdivision
13 review under parts 5 and 6 of this chapter. However, the governing body, in its discretion, may revoke the
14 covenant provided for in 76-3-207(1)(c) for the purposes of this chapter and the division may proceed without
15 subdivision review if:

16 (a) the original lot lines are restored through aggregation of the covenanted land prior to or in
17 conjunction with the revoking of the covenant; or

18 (b) a government or public entity seeks to use the land for public purposes as defined in the
19 governing body's review criteria pursuant to 76-3-504(1)(p); or

20 (c) the land is annexed into a municipality.

21 (2) If a governing body proposes to revoke a covenant pursuant to subsection (1)(b), the governing
22 body shall hold a public hearing. Within 15 days of the hearing, the governing body shall issue written findings
23 of fact and a decision based on the record. If the governing body approves the revoking of the covenant, the
24 approval must be recorded with the clerk and recorder.

25 (3) The revocation of a covenant pursuant to this section does not affect sanitary restrictions
26 imposed under Title 76, chapter 4."

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