



## RESOLUTION 2026 - 90

### A RESOLUTION TO RESCIND RESOLUTION 1986-55

**WHEREAS**, Montana Code Annotated 76-3-207(1)(c) previously stated:

“Divisions made outside of platted subdivisions by sale or agreement to buy and sell where 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”; and,

**WHEREAS**, the Board of County Commissioners adopted Resolution 1986-55, SETTING FORTH A POLICY RELATING TO DIVISIONS OF LAND FOR AGRICULTURAL PURPOSES, EXEMPT FROM REVIEW UNDER THE SUBDIVISION AND PLATTING ACT; and

**WHEREAS**, the 2019 Legislature amended 76-3-207(1)(c) M.C.A. as follows:

“divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the landowner enters into a covenant for the purposes of this chapter with the governing body that runs with the land and provides that the divided land will be used exclusively for agricultural purposes, subject to the provisions of 76-3-211”; and

**WHEREAS**, 76-3-211 M.C.A. adopted by the legislature in 2019 and amended in 2025 provides:

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

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

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

(c) the land is annexed into a municipality.

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

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

**NOW, THEREFORE, BE IT RESOLVED**, the Board of County Commissioners hereby rescinds Resolution 1986-55.

DATED this 13 day of August, 2026.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
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Tom Rolfe, Chair

Attest:

  
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Amy Reeves, Clerk of the Board

