



ADMINISTRATIVE RULES OF MONTANA



42.20.156 LAND CLASSIFICATION CHANGE CRITERIA

- (1) The department will change the classification of land from class three, as defined in 15-6-133, MCA, or class ten, as defined in 15-6-143, MCA, to class four, as defined in 15-6-134, MCA, when the following land use change criteria are met:
 - (a) restrictive covenants, easements, deed restrictions, servitudes, conservation easements, or other legal encumbrances that exist and are enforced to prohibit forest or agricultural use of the land;
 - (b) the land no longer meets the definition of forest land in 15-44-102, MCA, the forest land classification requirements in ARM 42.20.705, and subsequently does not meet the agricultural land classification requirements of 15-7-202, MCA;
 - (c) the land contains three or more of the following physical site improvements:
 - (i) a city or community sewer system;
 - (ii) a city or community water system;
 - (iii) street curbs and gutters;
 - (iv) a paved or all-weather gravel road that meets county standards;
 - (v) a storm sewer system;
 - (vi) underground or aboveground utilities that may include gas, electricity, telephone, or cable television;
 - (vii) streetlights;
 - (viii) a fire hydrant; or
 - (ix) landscaping developed for the aesthetic benefit or security of all the landowners;
 - (d) the land contains a commercial or industrial structure or is used in direct support of commercial or industrial activities.
 - (i) Examples of a commercial or industrial structure include, but are not limited to:
 - (A) an apartment building;
 - (B) an office building;
 - (C) a mobile home park;
 - (D) a warehouse;

- (E) a lumber mill;
 - (F) a sugar beet processing plant;
 - (G) a refinery;
 - (H) a power generation facility;
 - (I) a greenhouse where the product is sold to the public;
 - (J) a storage tank; and
 - (K) a cellular communication tower.
- (ii) Examples of land being used for commercial or industrial activity include, but are not limited to:
- (A) a parking lot;
 - (B) a lumber company log yard;
 - (C) land used as a buffer for an industrial facility from adjoining land uses;
 - (D) land used to store sugar beets, potatoes, or other cash crops until those crops can be transported to a manufacturing facility; and
 - (E) land that is used to store horticultural crops for sale where the roots of the crop are placed in a container or other material and that container is either placed in the ground or on a platform.
- (2) When the criteria in (1) are met, the department will value land at 100% of market value under class four, as provided in 15-8-111, MCA.
- (3) Examples of land use criteria change not considered for a change in land classification include utility lines that cross a property or easement access roads provided for the benefit of a third party and not for access or the benefit of the property owner.

Authorizing statute(s): 15-1-201, 15-7-111, 15-44-105, MCA

Implementing statute(s): 15-1-101, 15-6-133, 15-7-103, 15-7-111, 15-7-202, 15-7-206, 15-7-207, 15-7-210, 15-44-102, 15-44-103, MCA

History: NEW, 2002 MAR p. 3062, Eff. 11/1/02; AMD, 2014 MAR p. 2994, Eff. 12/12/14; AMD, 2015 MAR p. 2350, Eff. 1/1/16; AMD, 2020 MAR p. 1881, Eff. 10/24/20.