



ADMINISTRATIVE RULES OF MONTANA



42.20.683 SPECIALTY AND UNIQUE CROPS; ADDITIONAL REQUIREMENTS FOR AGRICULTURAL LAND CLASSIFICATION

- (1) For the purpose of this rule, the term "specialty and unique crops" includes, but is not limited to, the agricultural products provided in (3)(a) through (g).
- (2) A landowner may apply for agricultural land classification for specialty and unique crops. To receive this agricultural land classification, the landowner must prove that:
 - (a) the agricultural products they grow, raise, or produce meet the definition of agricultural in 15-1-101, MCA;
 - (b) the agricultural products are grown, raised, or produced by the land referenced in the agricultural land classification application; and
 - (c) the marketing of agricultural products, other than livestock grown, raised, or produced by the land results in at least \$1,500 annual gross income, as described in ARM 42.20.620.
- (3) In addition to the agricultural land classification criteria provided in ARM 42.20.620 and (1), agricultural products grown, raised, or produced by the land must also meet applicable specialty and unique crops requirements.
 - (a) poultry or game birds must be raised in an unconfined area and receive their general dietary requirements from the land. For poultry and game birds raised in a building, cage, or enclosed area, the land is not eligible for consideration for agricultural land classification.
 - (b) the sale of honey and other products from bees is considered agricultural income if the landowner or the landowner's business is registered with the Montana Department of Agriculture as an apiary.
 - (c) the sale of biological control insects is considered agricultural income if the insects are supported solely from vegetation grown on the land.
 - (d) a garden or produce farm if the plants and nursery stock are grown in and nourished by the land, and are managed using industry standard management practices, including weed and grass maintenance, fencing, and a watering system. Examples of ineligible plants include trees grown in self-contained pots or burlap bags placed in or on the ground and plants grown in flats.
 - (e) a Christmas trees farm if the landowner provides proof that all trees are cultivated under industry-standard management practices and sheared on a regular basis.

- (f) a fruit tree orchard if the landowner provides proof that the orchard is maintained using industry-standard management practices including pest and disease control, wildlife control fencing, weed and grass maintenance, and a watering system.
 - (g) a vineyard if the landowner provides proof that the vineyard is maintained using industry-standard management practices, including vine pruning, weed and grass maintenance, pest and disease control, and trellising and staking.
- (4) As provided in 15-7-202, MCA, land used to grow, raise, or produce the agricultural products in (3)(e), (f), and (g) is eligible for a five-year provisional agricultural land classification. A landowner must submit an application for provisional agricultural land classification on a form provided by the department.
 - (5) Land used to grow, raise, or produce agricultural products provided in (3)(a) through (g) that qualifies for agricultural land classification is valued at the highest productivity level of non-irrigated continuously cropped farm land, as provided in ARM 42.20.681.

Authorizing statute(s): 15-1-201, MCA

Implementing statute(s): 15-7-201, 15-7-202, 15-7-203, 15-7-206, 15-7-207, 15-7-208, 15-7-209, 15-7-210, 15-7-212, MCA

History: NEW, 2014 MAR p. 2994, Eff. 12/12/14; AMD, 2016 MAR p. 2065, Eff. 1/1/17; AMD, 2020 MAR p. 107, Eff. 1/18/20.