

## 1. Agriculture (Non-Exempt)

- a. The purpose of this section is to establish regulations for the siting of agricultural activities that have not been identified as exempt. Furthermore, these regulations intend to be consistent with the Right to Farm Act as contained in MCA 76-2-901 through 76-2-903. The goals of this section are to:
  - i. Not prohibit or terminate any existing agricultural activities, including commercial agriculture;
  - ii. Not to prohibit or terminate any other approved existing uses.
  - iii. Not to prevent the use, development, or recovery of any agricultural resource.
- b. Definitions
  - i. Agriculture: Art or science of cultivating the ground, including harvesting of crop and rearing and management of livestock, tillage, husbandry, farming, horticulture, forestry and the science and art of the production of plants and animals for sale. This does not include industrial agricultural or businesses such as packing plants, fur farms, animal hospitals, commercial dog kennels, commercial feed lots or similar uses.
  - ii. Agricultural Operations: Real or personal property used for the production of crops including but not limited to, fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products, but not facilities engaged in processing agricultural products.
  - iii. Agriculturally Oriented Business: a business including, but not limited to, commercial storage and blending of liquid and dry fertilizers, grain and feed sales, general repair and installation services for agricultural equipment, custom meat processing, agricultural supply and product sales or warehousing, livestock sale barns and accessory facilities, agriculture related compost facilities, and greenhouse and nursery sales.
  - iv. Animal Feed Lots: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and significantly designed as a confinement area in which manure may accumulate or where vegetative cover cannot be maintained within the enclosure. *(Note: This definition does not have a threshold, so this definition would apply to properties that don't meet the definition of commercial feed operations, thus exempt from review)*
  - v. Commercial Feed Operations: Any premises on which animals are held and maintained for the purpose of feeding for market. An operation shall be considered a commercial feed operation where there are 300 head or more cattle, 300 head or more hogs, 1,000 head or more sheep, 1,000 or more poultry or rabbits and 300 or more of any other animal. Livestock which have access to natural forage on a regular seasonal basis shall not be considered as a commercial feed operation. Furthermore, commercial

feed operation does not include the normal seasonal feeding or wintering of livestock produced by the owner as part of an agricultural operation.

- vi. Commercial Greenhouse: An establishment where flowers, shrubbery, vegetables, trees and other horticultural and floricultural products and both grown both in the open and in an enclosed building for sale on a retail or wholesale basis.
  - vii. Guest Ranch Facility: Provides accommodations to the general public, offer recreational and/or educational programs, and features central dining facilities.
  - viii. Seasonal Produce Stands: A detached accessory structure used seasonally from which agricultural products are sold.
- c. Requirements:
- i. Exempt Agricultural Uses
    - 1. Pasturing of livestock
    - 2. Planting and cultivation of crops, including harvesting.
    - 3. Corrals
    - 4. Barns and other accessory buildings
    - 5. Equestrian facilities including arenas
    - 6. Seasonal Produce Stands
    - 7. Animal feedlots not meeting the definition of commercial feed operation
    - 8. Dwelling(s) associated with agricultural operations
    - 9. Non-Commercial Agricultural Uses
  - ii. Conditional Agricultural Uses
    - 1. Agriculturally oriented businesses as defined in this chapter
    - 2. Commercial and Industrial Agricultural Uses that require processing and manufacturing facilities
    - 3. Commercial Feed Operation
    - 4. Guest Ranch Facility – *(Note: This could also be captured as a part of the BLR)*
    - 5. Commercial Greenhouse
    - 6. Landscape Materials Sales Lot
    - 7. Tree Farm
  - iii. Setbacks: Structures or accessory buildings related to a conditional agricultural use shall be located not less than 30' from any property line.
  - iv. Height: Not to exceed 300' *(Note: such height would capture, mills, railroad loading facilities, elevators, etc.)*
  - v. Fencing: Fencing or a Landscape buffer is required when a conditional use is adjacent to and within 50' of residential property.
  - vi. Signage: Off-premise advertising is prohibited.