

1 S.187

2 Introduced by Senator Campion

3 Referred to Committee on

4 Date:

5 Subject: Taxation; use value appraisal; agricultural land; water quality

6 Statement of purpose of bill as introduced: This bill proposes to remove
7 agricultural land from the use value appraisal program when the owner or
8 operator of the agricultural land or farm building violates a water quality
9 requirement or order three or more times during a five-year period.

10 An act relating to eligibility of agricultural land for use value appraisal

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 32 V.S.A. § 3752(5) is amended to read:

13 (5) "Development" means, for the purposes of determining whether a
14 land use change tax is to be assessed under section 3757 of this chapter, the
15 construction of any building, road, or other structure, or any mining,
16 excavation, or landfill activity. "Development" also means the subdivision of
17 a parcel of land into two or more parcels, regardless of whether a change in use
18 actually occurs, where one or more of the resulting parcels ~~contains~~ contain
19 less than 25 acres each; but if subdivision is solely the result of a transfer to
20 one or more of a spouse, parent, grandparent, child, grandchild, niece, nephew,

1 or sibling of the transferor, or to the surviving spouse of any of the foregoing,
2 then “development” shall not apply to any portion of the newly created parcel
3 or parcels which qualifies for enrollment and for which, within 30 days
4 following the transfer, each transferee or transferor applies for reenrollment in
5 the use value appraisal program. “Development” also means the cutting of
6 timber on property appraised under this chapter at use value in a manner
7 contrary to a forest or conservation management plan as provided for in
8 subsection 3755(b) of this title during the remaining term of the plan, or
9 contrary to the minimum acceptable standards for forest management if the
10 plan has expired; or a change in the parcel or use of the parcel in violation of
11 the conservation management standards established by the Commissioner of
12 Forests, Parks and Recreation. “Development” also means ~~notification of the~~
13 ~~Director by the Secretary of Agriculture, Food and Markets under section 3756~~
14 ~~of this title that the owner or operator of agricultural land or a farm building is~~
15 ~~violating the water quality requirements of 6 V.S.A. chapter 215 or is failing to~~
16 ~~comply with the terms of an order issued under 6 V.S.A. chapter 215,~~
17 ~~subchapter 10~~ the violation of water quality requirements as provided for under
18 subdivision 3756(i)(2) of this title. The term “development” shall not include
19 the construction, reconstruction, structural alteration, relocation, or
20 enlargement of any building, road, or other structure for farming, logging,
21 forestry, or conservation purposes, but shall include the subsequent

1 commencement of a use of that building, road, or structure for other than
2 farming, logging, or forestry purposes.

3 Sec. 2. 32 V.S.A. § 3756(i) is amended to read:

4 (i)(1) After providing 30 days' notice to the owner, the Director shall
5 remove from use value appraisal an entire parcel of managed forestland and
6 notify the owner when the Commissioner of Forests, Parks and Recreation has
7 not received a required management activity report or has received an adverse
8 inspection report, unless the lack of conformance consists solely of the failure
9 to make prescribed planned cutting. In that case, the Director may delay
10 removal from use value appraisal for a period of one year at a time to allow
11 time to bring the parcel into conformance with the plan.

12 (2)(A) The Director shall remove from use value appraisal an entire
13 parcel or parcels of agricultural land ~~and or~~ farm buildings ~~identified by the~~
14 ~~Secretary of Agriculture, Food and Markets as being used by a person if three~~
15 or more of the following occur during any five-year period:

16 (i) the owner or operator of the agricultural land or farm building
17 is found, after administrative hearing, or contested judicial hearing or motion,
18 to be in violation of water quality requirements established under 6 V.S.A.
19 chapter 215; or any rules adopted or any permit or certification issued under
20 6 V.S.A. chapter 215; ~~or~~

1 (ii) ~~who~~ the owner or operator of the agricultural land or farm
2 building is not in compliance with the terms of an administrative or court order
3 issued under 6 V.S.A. chapter 215, subchapter 10 to remedy a violation of the
4 requirements of 6 V.S.A. chapter 215 or any rules adopted or any permit or
5 certification issued under 6 V.S.A. chapter 215;

6 (iii) the owner or operator of the agricultural land or farm building
7 is found, after administrative hearing or contested judicial hearing or motion,
8 to be in violation of water quality requirements established under 10 V.S.A.
9 chapter 47; or

10 (iv) the owner or operator of the agricultural land or farm building
11 is not in compliance with the terms of an administrative or court order issued
12 under 10 V.S.A. chapter 201 to remedy a violation of the requirements of
13 10 V.S.A. chapter 47 or any rules adopted or any permit or certification issued
14 under 10 V.S.A. chapter 47.

15 (B) The Secretary of Agriculture, Food and Markets or the Secretary
16 of Natural Resources shall notify the Director when the owner or operator of
17 agricultural land or a farm building violates or does not comply with one of the
18 provisions listed under subdivision (A) of this subdivision (2).

19 (C) The Director shall notify the owner that agricultural land or a
20 farm building has been removed from use value appraisal by mailing
21 notification of removal to the owner or operator's last and usual place of

1 abode. After removal of agricultural land or a farm building from use value
2 appraisal under this section, the Director shall not consider a new application
3 for use value appraisal for the agricultural land or farm building until the
4 Secretary of Agriculture, Food and Markets submits to the Director a
5 certification that the owner or operator of the agricultural land or farm building
6 is complying with the water quality requirements of 6 V.S.A. chapter 215 ~~or~~,
7 an order issued under 6 V.S.A. chapter 215, the water quality requirements of
8 10 V.S.A. chapter 47, or an order issued under 10 V.S.A. chapter 201. After
9 submission of a certification by the Secretary of Agriculture, Food and
10 Markets, an owner or operator shall be eligible to apply for enrollment of the
11 agricultural land or farm building according to the requirements of this section.

12 Sec. 3. EFFECTIVE DATE

13 This act shall take effect on passage.