

RESIDENCES ON AGRICULTURAL LAND

Jan 23, 2012, Craig Larson, County Assessor

New definitions added
for 2012

The Definitions

- **Definitions**
- (1.6)(a) "Agricultural land", whether used by the owner of the land or a lessee, means one of the following:
- (l) (A) A parcel of land, whether located in an incorporated or unincorporated area and regardless of the uses for which such land is zoned, that was used the previous two years and presently is used as a farm or ranch, as defined in subsections (3.5) and (13.5) of this section, or that is in the process of being restored through conservation practices. Such land must have been classified or eligible for classification as "agricultural land", consistent with this subsection (1.6), during the ten years preceding the year of assessment. Such land must continue to have actual agricultural use. "Agricultural land" under this subparagraph (l) shall not include two acres or less of land on which a residential improvement is located unless the improvement is integral to an agricultural operation conducted on such land.*(effective January 1, 2012)*
- "Agricultural land" also includes the land underlying other improvements if such improvements are an integral part of the farm or ranch and if such other improvements and the land area dedicated to such other improvements are typically used as an ancillary part of the operation. The use of a portion of such land for hunting, fishing, or other wildlife purposes, for monetary profit or otherwise, shall not affect the classification of agricultural land. For purposes of this subparagraph (l), a parcel of land shall be "in the process of being restored through conservation practices" if: The land has been placed in a conservation reserve program established by the natural resource conservation service pursuant to 7 U.S.C. secs. 1 to 5506; or a conservation plan approved by the appropriate conservation district has been implemented for the land for up to a period of ten crop years as if the land has been placed in such a conservation reserve program.
- (B) A residential improvement shall be deemed to be "integral to an agricultural operation" for purposes of sub-paragraph (A) of this subparagraph (l) if an individual occupying the residential improvement either regularly conducts, supervises, or administers material aspects of the agricultural operation or is the spouse or a parent, grandparent, sibling, or child of the individual.*(effective January 1, 2012.)*

2012 Law Additions

Agricultural land" under this subparagraph (I) shall not include two acres or less of land on which a residential improvement is located unless the improvement is integral to an agricultural operation conducted on such land.*(effective January 1, 2012)*

INTEGRAL

B) A residential improvement shall be deemed to be “integral to an agricultural operation” for purposes of sub-paragraph (A) of this subparagraph (I) if an individual occupying the residential improvement either regularly conducts, supervises, or administers material aspects of the agricultural operation or is the spouse or a parent, grandparent, sibling, or child of the individual. (*effective January 1, 2012.*)

LAND UNDER IMPROVEMENTS

- **LAND UNDER IMPROVEMENTS**
- Agricultural land may include land under improvements located on the parcel. § 39-1-102(1.6)(a)(I)(A), C.R.S.
- ☐ Includes land underlying residential improvements and the residence if they are integral to the farming or ranching operation.
- ☐ Does not include up to two acres of land if the residential improvement is NOT integral to the agricultural operation.
- ☐ Includes land underlying other improvements if:
 - (1) improvements are an integral part of the farm or ranch operation
 - (2) improvements and area dedicated to improvements are typically used as ancillary part of the operation.
- Section § 39-1-102(1.6)(a)(I)(B), C.R.S., states a residential improvement is considered integral if an individual occupying the residential improvement regularly:
 - ☐ Conducts, supervises, or administers material aspects of the agricultural operation or;
 - ☐ Is the spouse or a parent, grandparent, sibling, or child of the individual who regularly conducts, supervises, or administers material aspects of the agricultural operation.

SUGGESTED CLARIFICATION

A person who signs a lease once a year, or only dictates what areas may be used in a specific year does not qualify as integral under § 39-1-102(1.6)(a)(I)(B), C.R.S.

The individual must

REGULARLY participate in the agricultural operation or be related to the individual in the specified manner. Examples of regular participation may include bookkeeping for the operation or ongoing physical involvement

RELATIVE CLARIFICATION

- Spouse
- Parent
- Grandparent
- Sibling (brother, sister)
- Child of the operator



Procedures

- Mail to farmer or rancher to help get lists of people who work in the operation.
- Mail to small tracts for clarification of uses.
- Notify people who don't appear to qualify and get any new input.
- Mail Notice of value, NOV, to property owners in May 2012.

FORM FOR LESSEE

- Agricultural Lease's
- Lessee (your name) _____
- Less or's:
- Property Owner _____ Participation in Agricultural Activities _____
- Address of Property _____
- Use _____
- Term of Lease _____
- Copy of Lease included? Y / N
-
- Property Owner _____ Participation in Agricultural Activities _____
- Address of Property _____
- Use _____
- Term of Lease _____
- Copy of Lease included? Y / N
-
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- Address of Property _____
- Use _____
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