

From: Peterson, Mary [Mary.Peterson@vermont.gov]
Sent: Tuesday, April 17, 2012 6:13 PM
To: Ross, Chuck; Recchia, Chris
CC: MacLean, Alex
Subject: FW: Current use parking provision.doc
Attachments: Current use parking provision.doc

Chuck, we never connected. I am in office most of morning.

I see a bunch of language floating around. I see more questions than answers. Language is being attributed to Elizabeth Hunt, but I met with her today briefly, and she has a ton of issues. I think repeal is the answer.

If someone wants to open this can of worms, Molly has drafted a solution below – it has ANR come up with rules for tracking permits and certifying to PVR when a property comes out. I guess this is somewhat similar to what happens with forest plans. It's just that with permits you guys will be tracking a lot of toilets and sinks...

Mary

From: Bachman, Molly
Sent: Tuesday, April 17, 2012 5:35 PM
To: Peterson, Mary
Subject: Current use parking provision.doc

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

(5) "Development" means, for the purposes of determining whether a land use change tax is to be assessed under section 3757 of this chapter, the construction of any building, road or other structure, or any mining, excavation or landfill activity. "Development" also means the subdivision of a parcel of land into two or more parcels, regardless of whether a change in use actually occurs, where one or more of the resulting parcels contains less than 25 acres each; but if subdivision is solely the result of a transfer to one or more of a spouse, parent, grandparent, child, grandchild, niece, nephew, or sibling of the transferor, or to the surviving spouse of any of the foregoing, then "development" shall not apply to any portion of the newly-created parcel or parcels which qualifies for enrollment and for which, within 30 days following the transfer, each transferee or transferor applies for reenrollment in the use value appraisal program.

"Development" also means the cutting of timber on property appraised under this chapter at use value in a manner contrary to a forest or conservation management plan as provided for in subsection 3755(b) of this title, or contrary to the minimum acceptable standards for forest management; or a change in the parcel or use of the parcel in violation of the conservation management standards established by the commissioner of forests, parks and recreation. Enrolled land is also considered "developed" under this section if the agency of natural resources has certified to the director that a wastewater system and potable water permit has been issued for the land pursuant to 10 V.S.A §1973. The agency of natural resources may develop rules regarding circumstances under which land with wastewater system and potable water permits will not be certified to the director. The term "development" shall not include the construction, reconstruction, structural alteration, relocation, or enlargement of any building, road or other structure for farming, logging, forestry, or conservation purposes, but shall include the

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

Sec. 2. 32 V.S.A. §3757(a) is amended to read:

(a) Land which has been classified as agricultural land or managed forest land pursuant to this chapter shall be subject to a land use change tax upon ~~on the earliest of either the~~ development of that land, as defined in section 3752 of this chapter, ~~or two years after the~~ issuance of all permits legally required by a municipality for any action constituting development, ~~or two years after the issuance of a wastewater system and potable water supply permit under 10 V.S.A. § 1973.~~ Said tax shall be at the rate of 20 percent of the full fair market value of the changed land determined without regard to the use value appraisal; or the tax shall be at the rate of 10 percent if the owner demonstrates to the satisfaction of the director that the parcel has been enrolled continuously more than 10 years. If changed land is a portion of a parcel, the fair market value of the changed land shall be the fair market value of the changed land prorated on the basis of acreage, divided by the common level of appraisal. Such fair market value shall be determined as of the date the land is no longer eligible for use value appraisal. This tax shall be in addition to the annual property tax imposed upon such property. Nothing in this section shall be construed to require payment of an additional land use change tax upon the subsequent development of the same land, nor shall it be construed to require payment of a land use change tax merely because previously eligible land becomes ineligible, provided no development of the land has occurred.

Sec. 3. REPEAL

Sec. 13h of No. 45 of the Acts of 2011(tracking wastewater permits) is repealed.

Sec. 4. This bill is effective upon passage.

