

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture and Forestry to which was referred Senate
3 Bill No. 61 entitled “An act relating to the definition of agricultural land for the
4 purposes of use value appraisals” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out Sec. 1,
6 32 V.S.A. § 3752, in its entirety and inserting in lieu thereof a new Sec. 1 to
7 read as follows:

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

9 (5)(A) “Development” means, for the purposes of determining whether
10 a land use change tax is to be assessed under section 3757 of this chapter, the
11 construction of any building, road, or other structure, or any mining,
12 excavation, or landfill activity.

13 (B) “Development” also means the subdivision of a parcel of land
14 into two or more parcels, regardless of whether a change in use actually occurs,
15 where one or more of the resulting parcels contains less than 25 acres each; but
16 if subdivision is solely the result of a transfer to one or more of a spouse, ex-
17 spouse in a divorce settlement, parent, grandparent, child, grandchild, niece,
18 nephew, or sibling of the transferor, or to the surviving spouse of any of the
19 foregoing, then “development” shall not apply to any portion of the newly
20 created parcel or parcels that qualify for enrollment and for which, within

1 30 days following the transfer, each transferee or transferor applies for
2 reenrollment in the use value appraisal program.

3 (C) “Development” also means the cutting of timber on property
4 appraised under this chapter at use value in a manner contrary to a forest or
5 conservation management plan as provided for in subsection 3755(b) of this
6 title during the remaining term of the plan, or contrary to the minimum
7 acceptable standards for forest management if the plan has expired; or a
8 change in the parcel or use of the parcel in violation of the conservation
9 management standards established by the Commissioner of Forests, Parks and
10 Recreation.

11 (D) “Development” also means notification of the Director by the
12 Secretary of Agriculture, Food and Markets under section 3756 of this title that
13 the owner or operator of agricultural land or a farm building is violating the
14 water quality requirements of 6 V.S.A. chapter 215 or is failing to comply with
15 the terms of an order issued under 6 V.S.A. chapter 215, subchapter 10.

16 (E) The term “development” shall not include the construction,
17 reconstruction, structural alteration, relocation, or enlargement of any building,
18 road, or other structure for farming, logging, forestry, or conservation
19 purposes, but shall include the subsequent commencement of a use of that
20 building, road, or structure for other than farming, logging, or forestry
21 purposes.

1 (F) The term “development” shall not include the location of any
2 solar generation facility that is, in the aggregate, on 0.1 of an acre of land or
3 less, provided that the underlying land qualifies under this chapter as
4 agricultural land or that the open land qualifies under this chapter as managed
5 forestland. As used in this subdivision, “open land” means managed forestland
6 that will not be reforested within two years and that is less than or equal to 20
7 percent of the total enrolled open land plus forested acres of productive soils.

8 and that after passage the title of the bill be amended to read: “An act
9 relating to use value appraisals”

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE