



Garfield County

Assessor's Office
109 8th Street, Suite 207
Glenwood Springs, CO 81601

Agricultural Questionnaire

Please read the definitions on page 5 & 6 prior to the completion of the form. The Assessor's Office is implementing a confirmation process that is designed to correctly classify all agricultural property in the county. The process will gather pertinent information through physical inspections, agricultural committees, Department of Property Taxation, Natural Resources Conservation Service, United States Department of Agriculture, county extension agents, agricultural industry representatives, and responses to questionnaires. To ensure that your property is correctly classified, please provide accurate and complete information for each section of this form.

Agricultural land in Colorado is valued by the income approach based on the earning or productive capability of the land (see definition on page 5). If your land is no longer used agriculturally it will be valued based on the current market value. In order to make an informed decision on the proper classification, all information will be analyzed, and used only for assessment purposes.

Name:

Account(s) number:

Parcel(s) number/legal description:

Physical location (address):

Total acres:

Instructions: Please fill out your contact information and any section(s) that applies to your property.

Section 1 - Current Use of the Land

Section 2 - Used as a Farm

Section 3 - Used as a Ranch

Section 4 - Land is Leased

Section 5 - Property Description

Section 6 - Water Rights

Contact Information

Please provide the best contact information like a phone number and/or email address in case we need to do a physical inspection we can notify you.

Section 1 - Current Use of the Land

Are you planning on continuing an agriculture endeavor or starting one?

- Yes
- No If no, please skip to page 4 and sign the questionnaire and returned to our office.

What percentage of the property is used as a:

Farm: Please fill out Section 2 - Used as a Farm

Ranch: Please fill out Section 3 - Used as a Ranch

Other (explain):

Is the primary purpose of the agriculture endeavor to obtain a monetary profit from the agricultural products or livestock?

- Yes
- No

Section 2 - Used as a Farm (Definition of a Farm on page 5)

If the land is being used as a farm, what crop(s) are being cultivated?

Is the crop grown in the soil of the land?

- Yes
- No

Number of acres planted?

Number of acres harvested?

Section 3 - Used as a Ranch (Definition of a Ranch on page 5)

If the land is being used as a ranch, what livestock are being grazed?

Do the livestock belong to the land owner?

- Yes
- No If no, please make sure to fill out section 4 - Land is Leased.

What is the number of livestock grazed, and for what period of time (dates)?

Section 4 - Land is Leased (Definition of Trespass Grazing on page 5)

Is your land being used by another party in an agricultural endeavor?

- Yes If yes, please fill out the Lessee, Lessee's contact information, terms, arrangements or conditions AND send a copy of the lease.
- No If no, skip to section 5 - Property Description.

Lessee:

Lessee's contact information:

Terms, arrangements or conditions:

Section 5 - Property Description

Is there a residence on your property?

- Yes
- No

How many?

Who occupies the residence(s)?

- Owner
- Family member
- Employee(s)
- Rented out to other than employee(s)
- Empty or vacant.

Do the occupant(s) of the residence(s) regularly participate in the agricultural endeavor?

- Yes
- No

Are there any aggressive dogs that are loose on your property that we should be aware of?

- Yes
- No

Section 6 - Water Rights

Does your property hold decreed water rights?

- Yes
- No If no, you are all finished. Please sign and return to our office.

Is the appropriated water used for the production of crops or livestock on the land?

- Yes
- No

To assure that the land is currently being used in an agricultural endeavor, additional information supporting the use may be attached to this form and submitted to our office. The following information may be considered in determining the current agricultural use. All income and expense information that is provided will be treated as confidential.

- *Copy of lease agreement or a receipt of lease payment.
- *1040F or equivalent form from IRS return.
- *Sales invoices of agricultural products or livestock.
- *Account balance sheets.
- *Brand inspection certificates.
- *Profit/loss or financial statements.

Signature: _____ **Date:** _____

Print Name: _____

CLASSIFICATION OF AGRICULTURAL LAND FOR TAX PURPOSES IN GARFIELD COUNTY

It is not the intention of this assessor to be arbitrary or capricious in deterring agricultural land classifications, but rather to apply the law as passed by the legislature of the state in as fair and equitable a manner as possible.

We are guided by the desire to make the property tax burden in Garfield County as fair as possible. We do not feel that an urban taxpayer should subsidize a property owner that has a rural parcel and wants agricultural status simply to avoid paying fair property taxes (under the law) on that parcel. The special treatment given to agricultural land for tax purposes was done so to encourage preservation of farm and ranch land as an amenity necessary for human welfare, and to prevent the forced conversion of farm and ranch land to more intensive USES because of the economic pressures caused by the assessment of land at rates or levels incompatible with its PRACTICAL USE for farming and ranching. (The size of the parcel does not, in and of itself, justify agricultural classification.)

Article X Section 3 of the Colorado Constitution say in part "...the actual value of agricultural lands, as defined by law, shall be determined solely by consideration of the earning or productive capacity of such lands capitalized at a rate as prescribed by law."

Agricultural land is defined in Colorado statutes as follows:

Definitions referred to may be found in § 39-1-102 C.R.S.

(1.6)(a) "**Agricultural land**", whether used by the owner of the land or a lessee, means one of the following:

(I)(A) A parcel of land, whether located in an incorporated or unincorporated area and regardless of the uses for which such land is ZONED, which 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 (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. "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 (I), 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 subparagraph (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.

Definitions relating to § 39-1-102(1.6)(a)(I), C.R.S.

(1.1) "**Agricultural and livestock products**" means for farming and ranching to be plant or animal products in a raw or unprocessed state regardless of the use of the product after its sale and regardless of the entity that purchases the product.

1. The products must be unprocessed.
2. Products must be derived from the science and art of agriculture.
3. "Agriculture" means farming, ranching, animal husbandry, and horticulture.

(3.5) "**Farm**" means a parcel of land which is used to produce agricultural products that ORIGINATE from the land's productivity for the PRIMARY PURPOSE OF OBTAINING A MONETARY PROFIT.

1. The land must produce agricultural products.
2. The products must be grown in the soil of the land.
3. The primary purpose of growing the agriculture products is to obtain monetary profit.
4. You must go through the full cycle of agriculture farming which includes planting, growing, harvesting and selling the agricultural product.

(13.5) "**Ranch**" means a parcel of land which is used for GRAZING livestock for the PRIMARY PURPOSE OF OBTAINING A MONETARY PROFIT. For the purposes of this subsection (13.5), "livestock" means DOMESTIC ANIMALS which are used for food for human or animal consumption, breeding, draft or profit.

1. The land must be grazed by livestock and not be contained in pens or corrals.
2. The use of the grazing livestock is to obtain a monetary profit.

(II) A parcel of land that consists of at least forty acres, that is "**forest land**", that is used to produce tangible wood products that originate from the productivity of such land for the primary purpose of obtaining a monetary profit, that is subject to a forest management plan, and that is not a farm or ranch, as defined in subsections (3.5) and (13.5) of this section. "Agricultural land" under this subparagraph (II) includes land underlying any residential improvement located on such agricultural land.

Definitions relating to § 39-1-102(1.6)(a)(II), C.R.S.

(4.3) "**Forest land**" means land of which at least ten percent is stocked by forest trees of any size and includes land that formerly had such tree cover and that will be naturally or artificially regenerated. "Forest land" includes roadside, streamside, and shelterbelt strips of timber which have a crown width of at least one hundred twenty feet. "Forest land" includes unimproved roads and trails, streams, and clearings which are less than one hundred twenty feet wide.

(4.4) "Forest management plan" means an agreement which includes a plan to aid the owner of forest land in increasing the health, vigor, and beauty of such forest land through use of forest management practices and which has been either executed between the owner of forest land and the Colorado state forest service or executed between the owner of forest land and a professional forester and has been reviewed and has received a favorable recommendation from the Colorado state forest service. The Colorado forest service shall annually inspect each parcel of land subject to a forest management plan to determine if the terms and conditions of such plan are being complied with and shall report by March 1 of each year to the assessor in each affected county the legal descriptions of the properties and the names of their owners that are eligible for the agricultural classification. The report shall also contain the legal descriptions of those properties and the names of their owners that no longer qualify for the agricultural classification because of noncompliance with their forest management plans. No property shall be entitled to the agricultural classification unless the legal description and the name of the owner appear on the report submitted by the Colorado state forest service. The Colorado state forest service shall charge a fee for the inspection of each parcel of land in such amount for the reasonable costs incurred by the Colorado state forest service in conducting such inspections. Such fee shall be paid by the owner of such land prior to such inspection. Any fee collected pursuant to this subsection (4.4) shall be subject to annual appropriation by the general assembly.

Note that the land containing trees which are cut or harvested for subsequent sale on a NON-PERIODIC or an INCIDENTAL BASIS generally does not qualify for agricultural land designation. The non-periodic or incidental nature of the operation would not fulfill the statutory requirement that the land be used for the primary purpose of obtaining a monetary profit through agricultural use. Example would be people who are cutting for firewood.

1. The parcel must be at least forty acres of forest land.
2. The land must produce tangible wood products that originate from the land.
3. The primary purpose must be to obtain a monetary profit.
4. The land must be subject to a forest management plan.
5. The parcel must not be a farm or ranch as defined in subsections (3.5) and (13.5) of this section.

“All Other Agricultural Property” that does not meet the statutory definitions of agricultural land must be classified, valued and abstracted as all other property. As known as agribusinesses.

(1.6)(b) **“all other agricultural property”** must be valued using appropriate consideration of the three approaches to value based on the actual use of the land on the assessment date. Comparison of sales of similar agribusiness properties must be used in the market approach. If the income approach is used to value this land, the income must be established based on a use similar to the actual use of the subject. For purposes of identification, a classification category of “all other agricultural property” was developed which includes agribusinesses and/or agriculturally related commercial operations. Pursuant to §39-1-102 (1.6)(b)(II), this category includes greenhouse and nursery production areas used to grow food products, agricultural products, or horticultural stock for wholesale purposes only that originate above the ground. Examples are apiaries (bee farms), mushroom farms, fur bearing animal farms, egg production facilities, feedlots, aquaculture, dairy farms, greenhouses, etc.

For help in determining if a parcel should be classified as “all other agricultural property” the Welby Gardens case is the most recent Colorado Supreme Court ruling on the issue, Welby Gardens v. Adams County Board of Equalization, et al., 71 P.3d 992 (Colo. 2003).

“Conservation Reserve Program” is a planned and regulated set-a-side, replanting with natural grasses in lieu of laying fallow, without grazing, filed with and regulated by the State of Colorado in cooperation with a Federal Assistance Program.

According to guidance given by the Soil Conservation Service, to qualify for conservation status, the owner must have filed and been approved for a Conservation Reserve Program (CRP) through the appropriate entity, such as the Soil Conservation Service. Also, conservation on one parcel does not necessarily determine conservation status on an adjoining parcel.

The Assessor’s Office may request certain documentation to help determine whether a parcel should be classified as agricultural. These include, but are not limited to:

- IRS Form 1040 F or IRS Corporate Form
- Copies of lease agreements or receipts for lease payments Brand Inspection Certificates for livestock
- Sales Invoice for livestock or crops
- Documentation of enrollment in State AG programs Account balance sheets or profit & loss statements Any other additional or pertinent documentation

A parcel of land can be leased for agricultural purposes and classified as agricultural land due to the usage of the lessee. However, the important thing to remember is the current surface use, not the intention. For the agricultural classification, regardless of what a lease or lessee’s intentions are, it must be used for agricultural purposes. Thus a lessor has the responsibility of assuring that the lessee is indeed putting the property to use as agricultural land, under the C.R.S definitions, to maintain agricultural status.

“Trespass Grazing” means livestock grazing without the approval of the land owner or livestock wandering on to neighboring land without approval, does not meet the statutory requirements for land being grazed for the primary purpose of obtaining a monetary profit because no contractual agreement can be demonstrated. See Nicholas J. Besch, et al., v. Jefferson BOCC & BAA, 20 P.3d 1195 (Colo. App. 2000). Trespass grazing is considered an illegal activity and thus cannot be used to justify agricultural classification. In instances where a property owner is not fencing a neighbor’s livestock out but has no written lease agreement, agricultural classification will not be authorized simply because of the livestock grazing. Without the lease, there is not a demonstration that the primary purpose of the land is for agricultural purposes.

A commonly asked question is the use of land for grazing horses. Unless the horses qualify as livestock under the Colorado statute definition (used for food for human or animal consumption, breeding, draft or profit) this will not serve to classify the land as agricultural. Thus, pleasure horses that are grazed on the land will not cause it to be classified agricultural. Neither do horses that are grazed for the purpose of providing riding lessons or horse boarding, even though it is done for a fee.

Another commonly asked question is for small acreage used to raise animals for 4H or similar projects? These are better labeled “hobby farms” and under the intent of the law do not meet the criteria of the primary use of the land. The land would be classified vacant or residential with market value used to determine actual value for tax purposes.

All land classified as agricultural, or requested to be classified as agricultural, is subject to physical inspection by the Assessor’s Office. If you have a question concerning land classification, please feel free to contact the Assessor’s Office and ask to speak to any of the following:

Amber Knox	Ag. Appraiser for Carbondale to East of Rifle	970-945-1377 Ext: 2495	aknox@garfield-county.com
Juby Cumming	Ag. Appraiser for West of Rifle to UT Border	970-945-1377 Ext: 2445	jcumming@garfield-county.com
Neal Bartczak	Chief Appraiser	970-945-1377 Ext: 2435	nbartczak@garfield-county.com
Lisa Warder	Deputy Assessor	970-945-1377 Ext: 2480	lwarder@garfield-county.com
Jim Yellico	Assessor	970-945-1377 Ext: 2490	jyellico@garfield-county.com