

Instructions for
Current Use Program, Form CU-301
**USE VALUE APPRAISAL APPLICATION FOR AGRICULTURAL LAND,
FOREST LAND, CONSERVATION LAND AND FARM BUILDINGS**

Instructions for Select Questions

All sections must be legible. Incomplete or illegible applications may be denied or experience processing delays. This application, other forms, and additional information are available online at tax.vermont.gov.

Section A Application Reason

Select one or more reasons for the purpose of the application. Deadlines and additional information about each reason are provided below.

“Land and/or buildings that are not currently enrolled (new enrollment)” means the parcel of land is not currently enrolled in the Current Use Program and you wish to enroll it. You must submit the application and the required fee (\$100) to the Current Use Program by **September 1** for enrollment in the tax year that begins the following April 1. If the application is only for agricultural land, three (3) copies of a map that meets the Current Use Mapping Standards must also be submitted to the program by **September 1**. If the land is for enrollment of forest or conservation land, then a management plan and three (3) copies of the map must be submitted to the Department of Forests, Parks and Recreation by **October 1**.

“Land and/or buildings that are being added to an existing enrollment” means that the parcel has land and/or buildings currently enrolled in the program and you want to increase your enrollment. Deadlines and submittals for adding to enrollment are the same as those for a new enrollment.

“Land and/or buildings that are enrolled and that have been transferred to your ownership” means that you have acquired land and/or buildings that are enrolled in the Current Use Program and you wish to continue to have them enrolled in the program. The transfer may be added to your existing, contiguous enrollment or it may be a stand-alone enrollment. You cannot increase the existing enrollment of buildings or land as part of a transfer, except when the transfer occurs between April 1 and September 1 AND a complete application is received before September 1. Otherwise, increasing enrollment will require a new application due to the change over to a new property tax year. Transfer applications must be submitted within 30 days of the transfer being recorded in the town land records. You must submit three (3) copies of a map that meet Current Use Mapping Standards and the \$100 application fee with the application (see Mailing Instructions below). For parcels with forest land, you must contact the county forester regarding the forest management plan.

“Land and/or buildings that are to continue enrollment after partial transfer” means that you have transferred *enrolled* land and/or buildings and have remaining land and/or buildings that you intend to continue to have enrolled. The application, three (3) copies of a current use map showing your remaining parcel, and the \$100 application fee are due within 30 days of the transfer being recorded. If the transferred land will not be enrolled in the program, a Notice of Development or Discontinuance must be completed and the land use change tax may be due. In the case of only excluded land being transferred, you do not have to complete an application or a Request to Withdraw From Use Value Appraisal Program; instead, you must provide three (3) copies of an updated current use map of your remaining parcel.

Section B Landowners

You must enter *all* information for each landowner.

Select one landowner as the “primary contact” for mailing and contact purposes. If you do not select a landowner as the primary contact, then the first landowner listed will be used. If more than one landowner is selected as the primary contact, the first one selected will be used. For organizations, you can include a contact person name in the address field (i.e., c/o John Smith or ATTN: John Smith). If you have more than three owners, complete and attach Form CU-302 and the additional fee for recording.

Section C Property Description

This section is used to describe your property. It must be completed for all types of enrollment—agricultural land, forest land, conservation land, and farm building enrollment.

Question 1: Enter the town or city in which the parcel is located.

For those parcels that are located in multiple towns (e.g., land in Town A is contiguous with land in Town B), a separate application must be completed for each town. You will need to note the contiguous towns and SPANs in Question 3.

Question 2: SPAN means the School Property Account Number. This is a unique 11-digit identification number assigned by the town or city to the parcel. This number is found on your property tax bill in the housesite information section or by contacting the town. For new parcels, you will need to contact your town to find out the SPAN. If the town has not yet assigned a SPAN, please contact the Current Use Program for guidance.

Question 3a-b: List all towns that the parcel is located in and the SPANs, even if you are not enrolling the land in the adjoining town. As noted in the mapping standards, the maps must show the entire parcel and list the acreage in each town, not just the land in the town addressed in this application.

Question 4: Enter the 911 address of the parcel and a brief description of where the parcel is located. For example, you would enter, “1274 Lower Farm Road, Montpelier. 1 mile west of intersection with Cross Road.”

Question 5: Enter the grand list acreage as shown on your property tax bill. If you have a new parcel, you will need to contact the town to confirm this acreage. All contiguous (adjoining) acreage that is listed under the same ownership should be included in this amount. If the land is separated by a road, it is still considered one parcel.

Question 6a-b: If the town has listed your adjoining parcels separately, please note the discrepancy here and explain why. An example of this occurring is when you receive two property tax bills for two pieces of land that are next to each other.

Question 7 & 8: Specifically describe any excluded land. You do not receive use value benefits on excluded land. You must be very precise and ensure that your maps reflect this excluded acreage correctly. Excluded acreage is mapped to a specific location and may not be moved at will. Once land is enrolled in the Current Use Program, a contingent lien is attached and subsequent development will result in the assessment of the Land Use Change Tax. You must exclude the acreage of land that is used for lawns, patios, play areas, pet runs, parking, family-use gardens, recreational areas, flower beds, and outside storage of non-agricultural or non-forestry equipment. Two acres must be excluded around a dwelling. More than one dwelling may be located in the two acre exclusion.

Question 9: Mark “Yes” if you have any easements, leases, or other use-related restrictions on land to be enrolled. These restrictions will not automatically disqualify you from enrollment in the Current Use Program; however, you must be able to manage your land actively.

Section D Transfers

Complete this section ONLY if (1) you have acquired land that is currently enrolled in the Current Use Program and you wish to continue enrollment or (2) you transferred enrolled land and wish to continue enrollment of your remaining parcel after the transfer. See the instruction in Section A for further information on transferred enrollments.

Question 1: Enter the date the transfer was recorded in the town land records. This is not always the same as the date the transfer occurred. If you do not know this date, it is available in the town land records or by contacting the attorney who handled the real estate transaction.

Question 2: Mark “Yes” if this transfer was for the entire parcel of land. Mark “No” if only a portion of the parcel was transferred. If you received all of the enrolled land, but the previous owner kept excluded acreage, then you would select “No” because you did not receive the entire parcel.

Question 3: Enter the exact acreage transferred (e.g., 27.89 acres, not 27 acres) according to the deed or recorded survey. This may be different than the grand list acreage noted in Section C, Question 5.

Question 4: If you are the new owner of the property (the buyer), enter the name of the previous owner of the property. If you are not the new owner, enter “Not Applicable.”

For example, Dan Frost owned 147 acres of enrolled land. He transferred 57 acres to Sally Snow. They both intend to continue enrollment of their land. Dan would note “Not Applicable” on this line on his application and Sally would note “Dan Frost” on her application.

Question 5: Enter the SPAN of the parcel prior to the transfer. Using the Dan and Sally example from Question 4, Dan’s SPAN number was 123-456-12345 prior to the transfer. This number would be entered on this line for both Dan’s application and Sally’s application.

Question 6: Only mark “Yes” if the transfer was to one of the listed family members or a *surviving spouse* of any of the listed family members. This information is used to determine enrollment eligibility for transfers of agricultural land less than 25 acres.

Section E Buildings

Question 1a-b: In Question 1a, enter the total number of dwellings located on the property. Examples of dwellings include, but are not limited to, camps, houses, mobile homes, yurts, cabins, apartments above a free standing garage, and other similar structures. In Question 1b, fully describe the number and type of structures.

Questions 2-4: To enroll farm buildings in the program, the buildings must be *actively* used for agricultural purposes and must be owned by a qualified “farmer” or be leased to a qualified “farmer” under a written lease for at least three (3) years. Without documentation of these requirements, the farm buildings are ineligible for enrollment. You must locate and label all farm buildings you want to enroll on the current use map submitted as part of your application (see Current Use Program Mapping Standards for details). In some circumstances, buildings used to dry or process cannabis may be eligible for enrollment. See 7 V.S.A. § 869(a)(2). Any buildings used for these purposes should be included in the “other” category with an explanation of their use. For additional information, refer to 7 V.S.A. § 869 or contact the Division of Property Valuation and Review.

A “farmer” is defined, in part, as a person who earns at least one half of their annual gross income from the business of farming as that term is defined in Regulation 1.175-3 issued under the Internal Revenue Code of 1986, or who produces farm crops that are processed in a farm facility situated on land enrolled by the “farmer” or on a housesite adjoining the enrolled land (see statute for additional detail). Examples of farm income include the production and sale of livestock and crops. Examples of non-farm income include commercial and recreational activities such as trail rides, horseback riding lessons, and snow plowing; social security income; boarding animals; and interest income.

Question 2: To qualify as a “farmer” and enroll farm buildings, you must submit the most recent federal income tax return including all schedules for *all* landowners (listed above in Section B).

Question 3: In the case of a lease, the qualifying “farmer” must submit their most recent federal income tax return including all schedules to the Current Use Program referencing the application. Additionally, the owner must provide a copy of the lease with the application.

Question 5: List all buildings located on the property in the “Total #” column regardless of whether you wish to enroll them. All buildings must also be located and labeled on your current use map. If you wish to enroll farm buildings, complete the “# to Enroll” column. If you do not qualify to enroll farm buildings, leave the “# to Enroll” column blank or enter zero (0).

Section F Agricultural Land

Question 1: Enter the number of acres of land in active agricultural use to grow hay or cultivated crops; pasture livestock or to cultivate trees bearing edible fruit; produce an annual maple product; grow Christmas trees; or otherwise eligible land that is enrolled in a Conservation Reserve Enhancement Program for agricultural lands through a contract with the state or federal government. Farm crops also include animal fiber, cider, wine, and cheese. Cannabis is not an agricultural product or agricultural crop (7 V.S.A. § 869(a)(1)). In some circumstances, a limited amount of cannabis cultivation is permitted on enrolled acreage. For additional information, refer to 7 V.S.A. § 869 or contact the Division of Property Valuation and Review.

- Question 2:** Of the acres from Question 1, enter the number of these acres used to produce an annual maple product.
- Question 3:** If you have an easement, lease, or other legal instrument that restricts the use of the agricultural acres, you must be able to use these acres as active agricultural land in order to enroll them.
- Question 4-6a:** These questions apply to owners who wish to enroll fewer than 25 acres of agricultural land. Only answer these questions if you are applying to enroll fewer than 25 acres of agricultural land. If you are unable to answer “yes” to at least one of these questions, the land is not eligible for enrollment. In order to enroll fewer than 25 acres of land, the land must be *actively* used for agricultural purposes and (1) be used by the owner who is a qualified “farmer”; (2) leased to and actively used by a qualified “farmer” under a written 3 year lease; or (3) earn at least \$2,000/year from the sale of farm crops.
- Question 4:** A “farmer” is defined, in part, as a person who earns at least one-half of their annual gross income from the business of farming as that term is defined in Regulation 1.175-3 issued under the Internal Revenue Code of 1986, or who produces farm crops that are processed in a farm facility situated on land enrolled by the “farmer” or on a housesite adjoining the enrolled land (see statute for additional detail). Examples of farm income include the production and sale of livestock and crops. Examples of non-farm income include commercial and recreational activities such as trail rides, horseback riding lessons, and snow plowing; boarding animals; social security income; and interest income. You must submit the most recent complete federal income tax returns including all schedules for all owners of record to determine the eligibility as a “farmer.”
- Question 5:** The annual gross income from the sale of farm crops is based upon 1 of 2 or 3 of 5 calendar years. You must submit documentation supporting this, including the owner’s most recent federal income tax return including all schedules. If the income tax returns do not provide enough detail, you must submit additional documentation, such as a detailed itemization of income or a profit and loss statement, to establish your eligibility.
- Question 6:** In the case of a lease, the qualifying “farmer” must submit their most recent federal income tax return including all schedules to the Current Use Program referencing the application. Additionally, the owner must provide a copy of the lease with the application.

Section G Forest Land

Submit your forest management plan and three (3) copies of a map that meets the Current Use Mapping Standards to your county forester by October 1 for new enrollments and within 30 days of the transfer being recorded in the municipal land records for all other applications. For qualified “farmers” (see Section F, Question 4) who are enrolling non-productive forest land and/or fewer than 25 acres of productive forest land without a management plan, your maps must be submitted to the Current Use Program with the application. Non-productive forest land means land that is on Site Class IV Soils. For eligibility questions regarding forest land categories, please consult the Department of Forests, Parks and Recreation’s Use Value Appraisal Manual. The county foresters can also provide assistance by contacting them directly.

- Question 1:** Enter the acreage of forest land you are applying to enroll. If you do not know the acreage because your consulting forester is still preparing your management plan and current use maps, leave the acreage blank and the program staff will enter it based upon your maps. The “Open/Idle Ag” category is reimbursed at the agricultural use value, even though the category is eligible only through the forest land category.
- Question 2:** Of the total acres from Question 1, enter the number of these acres used to produce an annual maple product.
- Question 3:** If you have an easement, lease, or other legal instrument that restricts the use of the forest land, you must be able to actively use and manage these acres in accordance with the forest management plan and submit forest management activity reports as required by statute in order to enroll the land.

NOTE: If you enroll forest land, you must file an updated forest management plan every ten (10) years. You are responsible for the timely submission of this plan and you will *not* be notified that a new plan is due.

Section H Conservation Land

Conservation land is for enrollment of land by qualified conservation organizations. If you are not a qualified conservation organization seeking to enroll land, leave this section blank.

Question 1: Enter the number of acres you are enrolling as conservation land that are less than one (1) mile from a Class 1, 2, or 3 town road and greater than one mile from a Class 1, 2, or 3 town road. Enter the total number of acres. Conservation land is a category of forest land acreage and is reimbursed at the forest land use value.

Question 2: You must be able to answer “Yes” to this question in order to enroll conservation land or answer “Under Review.” “Under Review” means you have submitted the *Application for Certification as Qualified Organization (10 V.S.A. Chapter 155)* form to the Division of Property Valuation and Review prior to submitting the Current Use Application or you are submitting it concurrently. The form is available on the Department of Taxes website; in the UVA Manual from the Department of Forests, Parks and Recreation; or by contacting the Current Use Program for a paper copy.

Question 3: You must be able to answer “Yes” to this question in order to enroll conservation land or answer “Under Review.” “Under Review” means you have submitted the *Application for Assessment of Parcel under 10 V.S.A. § 6306(b)* form to the Division of Property Valuation and Review prior to submitting the Current Use Application or you are submitting it concurrently. The form is available on the Department of Taxes website; in the UVA Manual from the Department of Forests, Parks and Recreation; or by contacting the Current Use Program for a paper copy.

Section J Certification and Fees

All owners of record must sign the application form for it to be complete. Be sure to read and understand the listed certifications. Incomplete applications may not be processed and may be denied. Print all names legibly. For authorized representatives, a recorded power of attorney form must be attached to the application unless the Current Use Program already has a recent one on file. If the number of owners exceeds the number of signature lines, complete and attach Form CU-302 along with the recording fee of \$15 per additional form. You may submit one check for multiple applications and forms. Make checks payable to: **Vermont Department of Taxes.**

Section K To Be Completed by the Director

This section will be completed once review of the application is complete by the Division. Do not enter any information here.

Mailing Instructions:

For agricultural land and buildings applications:

- Submit the application, three (3) copies of a map drawn to Current Use Mapping Standards, \$100 fee, Form CU-307, Current Use Payment Voucher, and all attachments to: Current Use Program, PO Box 1499, Montpelier, VT 05601-1499 by September 1 for new enrollments and additions to enrollment.
- For transfers, submit all of the above information within 30 days of the transfer being recorded in the town land records.

For forest land, conservation land, and forest land with agricultural land applications:

- Submit the application, \$100 fee, Form CU-307, Current Use Payment Voucher, and all attachments to: Current Use Program, PO Box 1499, Montpelier, VT 05601-1499 by September 1 for new enrollments and additions. Submit three (3) copies of the current use maps and the forest management plan to the county forester (see below) by October 1 for new enrollments and additions to enrollment.
- For transfers, submit the application, \$100 fee, Form CU-307, Current Use Payment Voucher, and all attachments to the Current Use Program within 30 days of the transfer being recorded in the town land records. Submit three (3) copies of the current use maps to the appropriate county forester within 30 days. Contact the county forester for instructions regarding the forest management plan.

County Forester Contact Information

County Forester Contact Information can be found on the Vermont Department of Forests, Parks and Recreation’s website, www.fpr.vermont.gov/forest/list-vermont-county-foresters, or by calling (802) 828-3444.