

Please read the "Classification of Agricultural Land for Tax Purposes in Garfield County" on pages 5 through 8 prior to the completion of the form. The Assessor's Office has 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 that applies in this form.

Agricultural land in Colorado is valued by the income approach based on the earning or productive capability of the land (see Colorado Statutes and definitions starting 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 - Water Rights
- Section 6 - Property Description

Contact Information

Please provide contact information to include a phone number and/or email address in the event a physical inspection is required or have further questions regarding the information provided in this questionnaire.

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.

Colorado Revised Statute § 39-1-102(1.6)(a)(I)

(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.

(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.

Are you a farm or ranch?

Farm Please fill out Section 2.

Ranch Please fill out Section 3.

Section 2 - Used as a Farm

Are you, the property owner, operating the farming operation or is someone else using your property as a farm?
If someone else is using your property do you have a lease agreement with them?

Yes, I am running the farm.

No, someone else is using my property as a farm. Please provide a copy of your lease and return with this questionnaire.
Without a valid lease these circumstances would be considered trespass grazing and do not qualify as an agricultural use.

Farmer or Rancher's contact information:

What agriculture product is being produced?

Is the agriculture product grown in the ground?

Yes

No

Do you go through the full cycle of farming? Planting, growing, harvesting and selling the agriculture product?

Yes

No

Is the primary purpose of growing the agriculture product is to make a profit?

Yes

No

Number of acres planted?

Number of acres harvested?

Section 3 - Used as a Ranch

Are you, the property owner, operating the ranching operation or is someone else using your property as a ranch?
If someone else is using your property do you have a lease agreement with them?

Yes, I am running the ranch.

No, someone else is using my property as a ranch. Please provide a copy of your lease and return with this questionnaire.
Without a valid lease these circumstances would be considered trespass grazing and do not qualify as an agricultural use.

Farmer or Rancher's contact information:

What type of livestock is being grazed? *Horses DO NOT typically qualify as livestock unless they are used for food, breeding, draft (pulling plows) or profit.

What is the livestock being used for?

Do the animals graze as much of the property as possible or are they in corrals and pens?

They are allowed to graze the property.

They are in corrals and pens.

Is the primary purpose of the grazing livestock to make a profit?

Yes

No

Section 4 - Water Rights

Does your property hold decreed water rights?

Yes

No

Is the appropriated water only used for the production of the agriculture products or watering your livestock?

Yes

No

Section 5 - Property Description

Are there any residence(s) on your property?

Yes, how many?

No

Who occupies the residences(s)?

Owner Occupied

Rented out to other than farm/ranch employee(s)

Family member

Empty or vacant

Farm/ranch employee(s)

Other

Do the occupants of the residence(s) regularly conduct, supervise, or administer material aspects of the agricultural operation or are they the spouse, parent, grandparent, sibling, or child of the individual?

Yes

No

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

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.

*Bill of Sale.

*1040F or equivalent form from IRS return.

*Brand inspection certificates.

*Sales invoices of agricultural products or livestock.

*Profit/loss or financial statements.

*Participation in Government programs.

*Deed or permit for water rights.

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 agriculture 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 plant or animal products in a raw or unprocessed state that are derived from the science and art of agriculture, 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.

"**Forest land**" to qualify as agriculture land:

1. Parcel must be listed on the Colorado State Forest Service list of eligible parcels.
2. Parcel must be in compliance with the forest management plan.
3. Parcel must be 40 acres or more and at least 10% stocked with trees.
4. It must produce tangible wood products that originate from the land.
5. The wood products must be sold for a monetary profit.

"**Decreed water right**" under the statutory definition of "agricultural land" states that the land must be used as a farm or ranch in order to qualify. The decreed water right must be attached to the subject parcel, AND the water is used to water livestock or produce agricultural products. A well permit can be used to appropriate ground water only if the water is used to water livestock or produce agricultural products. It can not be used for residential use. Agricultural use for the prior 2 years, plus current, is not required to qualify under this provision. It can be classified as agriculture the following year.

"**All Other Agricultural Property**" that does not meet the statutory definitions of agricultural land must be classified and valued as all other property. All other agricultural property includes agribusinesses and/or agriculturally related commercial operations. Properties must be valued using appropriate consideration of the three approaches to value based on the actual use of the land on the assessment date.

Examples of other agricultural properties are:

- *Apiaries (bee farms)
- *Mushroom farms
- *Fur bearing animal farms
- *Aquaculture
- *Greenhouses
- *Commercial feedlots
- *Commercial fruit and potato sheds

Here are some documents that may be considered in determining if a parcel qualifies for the agriculture classification.

- *Copy of lease agreement.
- *1040F or equivalent form from IRS return.
- *Receipts for services rendered and items purchased.
- *Sales invoices of agriculture products or livestock.
- *Bill of sale.
- *Receipts from veterinary or other services providing health care for the animals.
- *Brand inspection certificates.
- *Participation in Government programs.
- *Profit and Loss and/or financial statements.
- *Deed or permit for water rights.

Frequently Asked Questions

Cows wander onto my property, does that qualify as agriculture? No, this 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. This would be considered "trespass grazing" 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. See Nicholas J. Besch, et al., v. Jefferson BOCC & BAA, 20 P.3d 1195 (Colo. App. 2000).

Do I need a lease if someone else is using my property for agriculture? Yes, because a lease will demonstrate that the primary purpose of the land is for agricultural purposes. The lease will indicate that there is an agreement between the owner of the property and the farmer or rancher using the property. See Nicholas J. Besch, et al., v. Jefferson BOCC & BAA, 20 P.3d 1195 (Colo. App. 2000).

I have horses, does that qualify as a ranch? Pleasure horses do not qualify as livestock under the Colorado statute definition because they are not used for food for human or animal consumption, breeding, draft or profit. Wild horses do not qualify as livestock as they are not domestic animals. Boarding horses does not qualify as a ranch because the profit is made from the service of boarding not from the animals itself.

I have 4-H animals or similar projects, does that qualify as agriculture? No, these are better labeled as "hobby farms" and under the intent of the law does not meet the criteria of the primary use of the land for agriculture defined as farming, ranching, animal husbandry, and horticulture.

I have a garden, does that qualify as agriculture? No, these are better labeled as "hobby farms" and under the intent of the law does not meet the criteria of the primary use of the land for agriculture defined as farming, ranching, animal husbandry, and horticulture.

I have bees and produce honey, does that qualify as agriculture? No, bees do not qualify as a ranch because bees do not graze. Grazing refers to the process of domestic animals consuming wild vegetation. Bees are not considered livestock because they are not domesticated animals. Bees do not qualify as a farm because the land produces the agricultural product the bees need to produce honey. Nectar is the agriculture product that originates from the land's productivity not the honey. The honey is created from the bees and is a byproduct.

Continued - Frequently Asked Questions

I have chickens and/or pigs, does that qualify as agriculture? No, chickens and/or pigs do not qualify as a ranch because they do not graze. Grazing refers to the process of livestock consuming wild vegetation.

*All land classified as agricultural, or requested to be classified as agricultural, is subject to physical inspections 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 Rifle east up to Carbondale	970-945-1377 Ext: 2495	aknox@garfield-county.com
Juby Cumming	Ag. Appraiser for Rifle west to the UT border	970-945-1377 Ext: 2445	jcumming@garfield-county.com
Neal Bartczak	Chief Appraiser	970-945-1377 Ext: 2435	nbartczak@garfield-county.com
Jim Yellico	Assessor	970-945-1377 Ext: 2490	jyellico@garfield-county.com