

FORM LV-314 Instructions

Notice of Withdrawal from the Current Use (Use Value Appraisal) Program

General Information

Please print in **BLUE** or **BLACK** ink only.

This form can be used by landowners to request withdrawal of land and/or buildings enrolled in the Current Use (Use Value Appraisal) Program. Any land enrolled in the program has a lien on it that was placed there as a condition of enrolling in the program. If the land is developed or the owner wishes to remove the lien, the Land Use Change Tax (LUCT) and lien release recording fee must be paid. The director of the Property Valuation and Review Division (PVR) of the Department of Taxes can also initiate the process to withdraw land or buildings from the program. The LUCT will be assessed if the director determines that development has occurred.

The process for determining the LUCT was changed on Oct. 2, 2015. The local assessing officials are responsible for determining the fair market value of the changed land. As detailed in Vermont law, if the changed land is a portion of a parcel, the fair market value is the value of the changed land as a separate parcel divided by the common level of appraisal. This value is determined by the local assessing official as of the date the land is no longer eligible for enrollment, or in the cases of voluntary removal, the date the owner wishes to withdraw the land from enrollment. The local assessing official will notify the landowner and PVR of the fair market value determination. The provisions for appeal relating to property tax assessment in 32 V.S.A. chapter 131 apply to the fair market value determination. The PVR director will notify the owner directly of the amount of tax that is due and also the amount of tax that would need to be paid to release the lien on any withdrawn but not developed acres. Payment of the LUCT and lien release recording fee must be made to the Department of Taxes within 30 days of the Department's mailing of the notice.

Due to the changes in the LUCT calculation, the fair market value can no longer be pro-rated for portions of land that have been withdrawn.

Directions for Landowners

All fields are required unless noted otherwise.

Print or type clearly.

Is discontinuance at landowner request or PVR director's action?

If this is a landowner request, check the landowner box and all owners must sign on Page 2 of the form. If the director is taking the action, landowner signatures are not required on page 2.

LANDOWNER INFORMATION

If the primary landowner is an organization, complete the "Entity Name." If the primary landowner is an individual, leave "Entity Name" blank and complete the "Last Name," "First Name," and "Initial" fields. If there is more than one owner, complete the "Landowner #2-6 Full Name" fields as appropriate. Complete the mailing address, phone number, and email fields for the primary landowner. If the landowner does not have an email write "N/A." The notice of any LUCT due will be mailed to the primary landowner at the address entered in this section.

PROPERTY BEING WITHDRAWN or DEVELOPED

Three copies of a map that meets Current Use Map Standards must be submitted in ALL cases except when only buildings are being discontinued or when the entire parcel of land is enrolled (e.g., 75-acre parcel with 75 acres enrolled). In all other cases, maps are required so that the local assessing official can determine the fair market value of the withdrawn or changed land. Current Use Map Standards can be found on the Department of Taxes website at www.tax.vermont.gov.

SPAN

Enter the SPAN of the parcel. If the land is part of a newly formed parcel, enter the SPAN of the parcel that was enrolled in the program.

Municipality

Enter the town or city where the land is located. If the land is located in more than one municipality, you must submit two separate forms because each town will have to determine a fair market value for the portion of the parcel in that town.

Withdrawal Date

This date is the date the land or building is no longer eligible for enrollment. It cannot be a date in the future. In cases of transfers, the recording date should be used.

Farm Buildings Being Withdrawn

Enter the number of farm buildings that are no longer eligible for enrollment. Describe the types of buildings and number of each type that are being withdrawn (e.g., 4 barns, 2 sheds, 1 silo). If all the buildings are being withdrawn, you can note "all." For clarity, if some buildings are remaining enrolled, you can document this on a separate sheet. LUCT is not assessed on buildings. If you are not withdrawing buildings, note "N/A" or enter the number "0."

Acres Withdrawn

Enter the number of acres being withdrawn to two decimal places (e.g., 23.47 acres). Provide a short description of the acres (e.g., 29.73 acre lot being transferred to daughter; 2 acre house site; 5 acres in SW corner in excess of 20% rule). The acres withdrawn is land that is no longer eligible for enrollment and/or land that the owner no longer wishes to have enrolled in the program. The acres withdrawn should include any of the "Acres Developed" (see below). The "Acres Withdrawn" will have the Fair Market Value determined and LUCT calculated, but the LUCT will not be due until the acres are also considered developed.

If the owner is removing multiple lots and will be paying the LUCT per lot as each lot transfers, then a separate Form LV-314 must be prepared for each lot. This is necessary because each lot must be valued as a separate parcel. If all of the lots will be removed and the tax paid on all lots at the same time, then one Form LV-314 can be completed.

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Acres Developed

Enter the number of acres being developed to two decimal places (e.g., 23.47 acres). Provide a short description of the acres (e.g., 0.73 acre lot line adjustment; 2 acre house site; 5 acres in SW corner in excess of 20% rule). If no acres are being developed, enter zero (0).

If the owner is removing multiple lots and will be paying the LUCT per lot as each lot transfers, then a separate Form LV-314 must be prepared for each lot. This is necessary because each lot must be valued as a separate parcel. If all of the lots will be removed and the tax paid on all lots at the same time, then one Form LV-314 can be completed.

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Lien Recording Information

This information is required if land is being withdrawn or developed. It is not required if only buildings are being withdrawn.

Enter the recording information of the most recent Current Use application. This information is available in the municipal land records. You will need to contact or visit the town offices to find this information. The Vermont Secretary of State website has contact information for municipal governments at www.sec.state.vt.us.

Signatures

If the Form LV-314 is at the owner's request, then all of the owners must sign on page 2. Original signatures are required. If the Form LV-314 is at the director's action, then owners' signatures are not required.

Directions for Local Assessing Officials

The local assessing official is responsible for determining the fair market value in those cases where the changed land is a portion of a parcel. The fair market value of the changed land shall be the assessed value of the land as a *separate parcel* divided by the most recent common level of appraisal (CLA). As with any assessment, you will need to use the appraisal model and land schedule for your town to determine the assessed value of the changed land.

The local assessing official should only complete Lines A-D of Form LV-314.

The local assessing official should use the information contained on page 1 and the current use map of the parcel to determine where the land is located.

The local assessing official has 30 days from the date of notification by the PVR director to determine the fair market value. The official must mail the determination (found on Form LV-314, page 3) to both the landowner and the PVR director. The appeal provisions relating to property tax assessments in 32 V.S.A. chapter 131 shall apply.

Line A

Most Recent CLA

The most recent CLA will be entered by the Current Use Program. The CLA is in the format of 1.2345; it is not in the format of 123.45. In cases where an appeal may have changed the CLA or a new CLA has been approved prior to your determination of value, the local assessing official can strike out the original CLA and write in the updated CLA.

Line B**Acres**

The withdrawn acres and the developed acres will be entered by the Current Use Program based upon the current use maps and the information on page 1 of Form LV-314. The acreage may not be modified by the local assessing official.

Line C**Value**

The local assessing official must enter the value of the withdrawn acres and the developed acres as separate parcels. In many, but not all, cases, the withdrawn acres and the developed acres are the exact same areas of land. The maps and page 1 information should be reviewed closely to determine if these areas are different.

Line D**Fair Market Value**

The local assessing official is responsible for dividing Line C by Line A for both the withdrawn acres and the developed acres.

Local Assessing Official Fair Market Value Calculation Certification

The local assessing official must sign the certification, note the date the notification is mailed, and mail a copy of the entire form to the landowner and to the PVR director. The landowner's mailing address is found on page 1 and the PVR director's address is:

Current Use Program
Vermont Department of Taxes
PO Box 1499
Montpelier, VT 05601-1499

The landowner should be notified of his or her appeal rights. An example letter to use for this purpose can be found on the Department of Taxes website at www.tax.vermont.gov.

Department of Taxes

Page 1, "For Official Use Only" sections, will be completed by Department of Taxes, as appropriate.

Line E**Land Use Change Tax**

The Current Use Program will calculate this amount.

Line F**Lien Release Fee**

This is the lien release recording fee that is collected by the Department of Taxes to pay for the recording of the lien release.

Line G**Withdrawn Acres Payment**

The Current Use Program will calculate this amount.

Line H**Developed Acres Payment**

The Current Use Program will calculate this amount.
