

Iredell County- 2019 Reappraisal Uniform Schedule of Values, Standards, and Rules Market Value Schedule

REFERENCE: NC DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES CONSERVATION EASEMENTS

WHAT IS A CONSERVATION EASEMENT?

North Carolina's heartland is changing rapidly. As the area continues to grow exponentially, many concerned citizens seek the means to make a personal contribution towards the preservation of this region's unique character and natural resources. Conservation easements can provide this means.

Conservation easements are voluntary, legal agreements with a land conservancy organization that permanently protect land from subdivision and intensive development. Conservation easements are negotiable documents that match owners' property use needs with long term benefits to their community.

Conservation easements are:

Voluntary

Conservation easements are completely voluntary and appropriate for landowners who wish to permanently protect and preserve the land they love.

Private

Conservation easements do not require access to your land by the public because you retain control of who visits your land. The conservancy will not publicize a conservation easement without your permission.

Permanent

Conservation easements with the conservancy permanently protect land. To qualify for tax benefits, a conservation easement must be made in perpetuity. Although future owners must abide by the easement terms, the land can be bought, sold and inherited the same as all other lands. A competent title search will disclose the easement to future owners.

Flexible

Conservation easements are as unique as the land they protect. The easement can be crafted to meet the specific needs of the owner.

A conservation easement creates a permanent legacy. It is a wonderful way to honor the memory of a family member who instilled a love and respect for land in subsequent generations. Such a decision should not be made in haste.

Due to the uniqueness of every conservation easement it is necessary to review and analyze each easement to determine the relinquished rights as well as the allowable exceptions in order to reflect the value for the property. The Iredell County Assessor's Office with the support of North Carolina Department of Revenue Ad Valorem Tax Division has developed a worksheet to properly value conservation land based on the bundle of rights relinquished by the property owner.



Conservation Easement Worksheet

Parcel #: Acreage:

Recorded Book: Recorded Page:

Grantor (Owner):

Grantee (Conservancy):

The Grantor (owner) and the Grantee should be found on the first page of the Easement and Declaration.

Number of Acres (Cover Letter of Conservancy or Agency Certification) **Scheduled Relinquished Rights**

Rights	Adjustments %	Percent Good
Right to Build	15%	
Right to Harvest Timber	10%	
Right to Recreational Use	10%	
Right to Farm	10%	
Right to Sell	20%	
Right to Divide/Subdivide	15%	
Residual Value		20%
Totals	80% Max. Adj.	

Note: Percent Good is a cumulative multiplicative number. The Total Adjustment is the percentage reduction of the value applicable to the acreage within the easement. The Total Percent Good is the percentage remaining of the value applicable to the acreage within the easement.

Conservation Easement Adjustments can be made as a separate land line entry 7721 code and a note as to the % adjustment for conservation easement in the first available OTHER adjustment line. This will read "CONS EASEMENT" on the highest and best use column on the appraisal card. The "other adjustments and notes section" can be used to detail the percentage of adjustment used for the easement and the acreage can be entered on the card in this line.

Appraiser Date

Appraiser Date

Supervisor / Manager Date

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**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017
SESSION LAW 2018-95
HOUSE BILL 320**

**AN ACT TO EXPAND THE TYPES OF LAND THAT CAN QUALIFY FOR PRESENT-USE
VALUE TAXATION AS WILDLIFE CONSERVATION LAND.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-277.15 reads as rewritten:

"§ 105-277.15. Taxation of wildlife conservation land.

- (a) Definitions. – The following definitions apply in this section:
- (1) Business entity. – Defined in G.S. 105-277.2.
 - (2) Family business entity. – A business entity whose members are, directly or indirectly, individuals and are relatives. An individual is indirectly a member of a business entity if the individual is a member of a business entity or a beneficiary of a trust that is part of the ownership structure of the business entity.
 - (3) Family trust. – A trust that was created by an individual and whose beneficiaries are, directly or indirectly, individuals who are the creator of the trust or a relative of the creator. An individual is indirectly a beneficiary of a trust if the individual is a beneficiary of another trust or a member of a business entity that has a beneficial interest in the trust.
 - (4) Member. – Defined in G.S. 105-277.2.
 - (5) Relative. – Defined in G.S. 105-277.2.
- (b) Classification. – Wildlife conservation land is designated a special class of property under Article V, Section 2(2) of the North Carolina Constitution and must be appraised, assessed, and taxed in accordance with this section. Wildlife conservation land classified under this section must be appraised and assessed as if it were classified under G.S. 105-277.3 as agricultural land.
- (c) Requirements. – Land qualifies as wildlife conservation land if it meets the following size, ownership, and use requirements:
- (1) Size. – The land must consist of at least 20 contiguous acres.
 - (2) Ownership. – The land must be owned by an individual, a family business entity, or a family trust and must have been owned by the same owner for the previous five years, except as follows:
 - a. If the land is owned by a family business entity, the land meets the ownership requirement if the land was owned by one or more members of the family business entity for the required time.
 - b. If the land is owned by a family trust, the land meets the ownership requirement if the land was owned by one or more beneficiaries of the family trust for the required time.
 - c. If an owner acquires land that was classified as wildlife conservation land under this section when it was acquired and the owner continues to use the land as wildlife conservation land, then the land meets the ownership requirement if the new owner files an application and signs

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the wildlife habitat conservation agreement in effect for the property within 60 days after acquiring the property.

- (3) Use. – The land must meet all of the following requirements:
- a. The land must be managed under a written wildlife habitat conservation agreement with the North Carolina Wildlife Resources Commission that is in effect as of January 1 of the year for which the benefit of this section is claimed and that requires the owner to do one or more of the following:
 - 1. Protect an animal species that lives on the land and, as of January 1 of the year for which the benefit of this section is claimed, is on a North Carolina protected animal list published by the Commission under G.S. 113-333.
 - 2. Conserve any of the following priority animal wildlife habitats: longleaf pine forest, early successional habitat, small wetland community, stream and riparian zone, rock outcrop, or bat cave.
 - 3. Create and actively and regularly use as a reserve for hunting, fishing, shooting, wildlife observation, or wildlife activities, provided that the land is inspected by a certified wildlife biologist at least quintennially to ensure that at least three of the seven activities listed in this sub-sub-subdivision are maintained to propagate a sustaining breeding, migrating, or wintering population of indigenous wild animals for human use, including food, medicine, or recreation. The Commission shall adopt rules needed to administer the inspection requirements of and activities mandated by this sub-sub-subdivision.
 - I. Supplemental food.
 - II. Supplemental water.
 - III. Supplemental shelter.
 - IV. Habitat control.
 - V. Erosion control.
 - VI. Predator control.
 - VII. Census of animal population on the land.
 - b. For land used pursuant to sub-sub-subdivisions 1. or 2. of sub-subdivision a. of this subdivision, it must have been classified under G.S. 105-277.3 when the wildlife habitat conservation agreement was signed or the owner must demonstrate to both the Wildlife Resources Commission and the assessor that the owner used the land for a purpose specified in the signed wildlife habitat conservation agreement for three years preceding the January 1 of the year for which the benefit of this section is claimed.

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(d) Restrictions. – The following restrictions apply to the classification allowed under this section:

- (1) For land used pursuant to sub-sub-subdivision 3. of sub-subdivision a. of subdivision (3) of subsection (c) of this section, no more than 800 acres of an owner's land in a county may be classified under this section. For all other land classified under this section, no more than 100 acres of an owner's land in a county may be classified under this section.
- (2) Land owned by a business entity is not eligible for classification under this section if the business entity is a corporation whose shares are publicly traded or one of its members is a corporation whose shares are publicly traded.

(e) Deferred Taxes. – The difference between the taxes that are due on wildlife conservation land classified under this section and that would be due if the land were taxed on the basis of its true value is a lien on the property. The difference in taxes must be carried forward in the records of each taxing unit as deferred taxes. The deferred taxes for the preceding three fiscal years are due and payable in accordance with G.S. 105-277.1F when the land loses its eligibility for deferral as a result of a disqualifying event. A disqualifying event occurs when the property no longer qualifies as wildlife conservation land.

(f) Exceptions to Payment. – No deferred taxes are due in the following circumstances and the deferred taxes remain a lien on the land:

- (1) When the owner of wildlife conservation land that was previously classified under G.S. 105-277.3 before the wildlife habitat conservation agreement was signed does not transfer the land and the land again becomes eligible for classification under G.S. 105-277.3. In this circumstance, the deferred taxes are payable in accordance with G.S. 105-277.3.
- (2) When land that is classified under this section is transferred to an owner who signed the wildlife habitat conservation agreement in effect for the land at the time of the transfer and the land remains classified under this section. In this circumstance, the deferred taxes are payable in accordance with this section.

(g) Exceptions to Payment and Lien. – Notwithstanding subsection (e) of this section, if land loses its eligibility for deferral solely due to one of the following reasons, no deferred taxes are due and the lien for the deferred taxes is extinguished:

- (1) The property is conveyed by gift to a nonprofit organization and qualifies for exclusion from the tax base under G.S. 105-275(12) or G.S. 105-275(29).
- (2) The property is conveyed by gift to the State, a political subdivision of the State, or the United States.

(h) Administration. – An owner who applies for the classification allowed under this section must attach a copy of the owner's written wildlife habitat agreement required under subsection (c) of this section. An owner who fails to notify the county assessor when land classified under this section loses its eligibility for classification is subject to a penalty in the amount set in G.S. 105-277.5."

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SECTION 2. This act is effective for taxes imposed for taxable years beginning on or after July 1, 2019.

In the General Assembly read three times and ratified this the 15th day of June, 2018.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 10:54 a.m. this 25th day of June, 2018

For further information, visit: <https://www.ncwildlife.org/Conserving/Programs/Land-Conservation-Program> or contact Brad Howard at (828)-294-2604 or brad.howard@ncwildlife.org

Application for Wildlife Conservation Program

(G.S. 105-277.15)

County of _____, NC

Tax Year _____

Full Name of Owner(s) _____

Mailing Address of Owner _____

City _____ State _____ Zip Code _____

Home Telephone Number _____ Work Telephone Number _____ Ext. _____ Cell Phone Number _____

Enter the Parcel Identification Number, acreage breakdown, and acreage total for each tax parcel included in this application:

PARCEL ID	OPEN LAND in Wildlife Conservation	WOODLAND in Wildlife Conservation	OPEN LAND NOT in Wildlife Conservation	WOODLAND NOT in Wildlife Conservation	HOME SITE	OTHER (Describe in Comments)	TOTAL ACRES
							0.00
							0.00
							0.00

Comments: _____

List any other land you own in this county that is also in the wildlife conservation program? Parcel IDs: _____

On what date did you become the owner of the property? DATE: _____

You must own the property in one of the four qualifying forms of ownership. Indicate the legal form of ownership of the property. (Note: A business entity is defined as a corporation, limited liability company, general partnership, or limited partnership.)

- One Individual
 Husband and Wife (Tenants by the Entirety only)
 Family Business Entity
 Family Trust

If the property is owned by a business entity or trust, answer the two following questions:

Yes No ➤ Are any of the members of the business entity or beneficiaries of the trust either a business entity or a trust (i.e. not an individual)? If YES, you must attach a complete description of the ownership structure of the business entity or trust which shows the individual level of ownership interest.

Yes No ➤ Once you have determined the individual level of ownership interest, are all of the individuals relatives of each other? (See G.S. 105-277.2(5a) at www.ncleg.net for the definition of relative.) List all of the individuals:

1. _____ 2. _____ 3. _____
4. _____ 5. _____ 6. _____

****You must submit a complete copy of your wildlife habitat conservation agreement with this application.****

AFFIRMATION OF APPLICANT – I, the undersigned, declare under penalties of law that this application and any attachments are true and correct to the best of my knowledge and belief. I have read the governing exclusion statute. I fully understand that an ineligible transfer of the property or failure to meet the requirements of the wildlife conservation program will result in the loss of eligibility. I fully understand that loss of eligibility will result in removal from the program and the immediate billing of deferred taxes.

Signature of Owner (please print) _____ Title _____ Date _____

Signature of Owner (please print) _____ Title _____ Date _____

The Tax Assessor may contact you for additional information after reviewing this application.

FOR OFFICE USE ONLY: APPROVED DENIED BY: _____ REASON FOR DENIAL: _____

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APPRAISAL OF CEMETERIES FOR TAX PURPOSES

When appraising cemeteries, the total number of acres should appear in the legal description and in the total acreage of the land lines.

Cemeteries are generally divided into four categories:

1. Developed acreage
2. Undeveloped acreage (future grave-sites)
3. Waste land acreage (roads, gullies, etc.)
4. Deeded acreage (exempt deeded lots)

These four categories should always total to the original acreage in the ownership or legal description.

DEFINITIONS:

DEVELOPED ACREAGE - Land prepared for immediate use of cemetery plots. This is generally two to five acres depending on the sale record of the cemetery. The acreage would generally remain the same because as soon as lots are sold they prepare the undeveloped acreage. The cost to prepare the land increases the market value of the developed acreage.

UNDEVELOPED ACREAGE - That land in its natural state and appraised comparable to surrounding land with the same zoning. When making annual adjustments for deeded lots, adjust this acreage down and the deeded acreage up. By doing this it is assumed the developed acreage will remain the same simply because they have to keep developed acreage available for immediate use.

WASTE LAND ACREAGE - That land not plotted or surveyed for graves due to it being a road, gully or building site. The waste land should be appraised comparable to surrounding waste lands and remain the same size and acreage unless a new survey is made adding roads or they have filled gullies and areas that can be utilized at a later date.

DEEDED ACREAGE - That acreage sold off into plots to individuals and recorded in the Registrar of Deeds. Plots sold on contract are not exempt until paid and recorded. Generally, a well-designed cemetery will have 900 to 1,100 graves per acre.

The owner of the cemetery should verify the number of grave sites planned for the cemetery. Take the total graves and divide by the total usable acreage to determine the average graves per acre. If the information is not available, use approximately 1,000 graves per acre. Put this in the note lines of the appraisal card. Each year you can make your adjustments when the owner sends the number of graves sold and recorded. Example: Sold 625 graves reduces the number of undeveloped acreage by .625 acres or .63 acres and increases the deeded acres by .625 or .63 acres.

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Private cemeteries are income producing properties. To establish market value, the appraiser must consider those factors which are involved in purchasing this type of property:

- (Developed) 1. How many gravesites are available for sale?
- 2. How many gravesites sell per year (absorption rate)?
- (Undeveloped) 3. How much usable land is available that has not been surveyed and landscaped?

Once these facts have been obtained the appraiser can estimate market value. Typical ratios would be 900 to 1,100 sites per acre with 2 to 5 acres surveyed and landscaped for sale. The developed acreage should be appraised higher per acre due to the cost of surveying, landscaping and permits. The absorption rate can be determined by the age of the development divided into the number of deeded lots. Cemeteries with more graves per acre are worth more; therefore, an added value per gravesite is accounted for in the extra feature column. The gravesites that are undeveloped would not have the same value as the prepared and available, therefore the value is reduced based upon the absorption rate. The deeded gravesites are exempt; therefore, for every 1,000 graves deeded, one acre of land is exempt. When the owners of the cemetery report the deeded lots each year, the assessed value is adjusted. Make sure the total acreage stays the same only adjusted by use.

The following notes should be made on the property record card:

- Name of the Cemetery
- Number of Graves per Acre
- Total Parcel Acreage
- Year Developed

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PRESENT-USE VALUE ASSESSMENT

For information concerning Present-Use Value Assessment please refer to:

- Chapter 13 – Present-Use Value Schedules, Standards, and Rules for 2019 Reappraisal adopted on October 16, 2018.
- Chapter 14 – Present-Use Value Assessment Schedule adopted on October 16, 2018 along with the 2019 Use-Value Manual for Agricultural, Horticultural, and Forest Land published in May 2018 by the North Carolina Use-Value Advisory Board and the North Carolina Department of Revenue.
- Chapter 15 – Forms used for Present-Use Value Assessment. These forms can be found on the North Carolina Department of Revenue’s website.

<https://www.ncdor.gov/taxes-forms/property-tax/property-tax-forms#present-use-value-forms>