



GREENBELT REVISITED

TACIR STAFF REPORT

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Greenbelt Revisited

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EXECUTIVE SUMMARY

The report identifies several outstanding problems with Tennessee's current greenbelt law.

- The effect of the greenbelt program on the local property tax base varies extensively from county to county, significantly reducing the tax base in many counties, and likely causing a combination of higher property tax rates and taxes on those property owners not enjoying greenbelt valuations.
- The effect on property owners also varies extensively from county to county, with the greatest relative benefits accruing to landowners in urban and other high-growth areas where land values greatly exceed "use" values.
- Greenbelt land in some urban areas can enjoy valuations for tax purposes of less than 1% of market value.
- Rollback taxes, as currently calculated, do not in most cases reflect any consideration for the actual selling price of a parcel that was previously classified as greenbelt eligible.

Options for dealing with these identified problems include:

1. Limit agricultural, horticultural, husbandry, and forestry greenbelt subsidies to those who actually depend on such activities for a significant portion of their livelihood rather than engage in them as a hobby.
2. Establish a minimum valuation of greenbelt-eligible land equal to 10% of the county assessor's market valuation of the greenbelt-eligible land.

3. Modify the existing rollback tax calculations to include interest on the calculated value of the tax subsidies enjoyed for the three years preceding the sale of the property.
4. Modify the existing rollback tax calculation to include the sale price of the land in the year when sold, thereby including in the rollback calculations the only true measure of the likely value of the land in the past.
5. Limit greenbelt valuations for “open space” tracts to only land identified as having outstanding natural values, such as lands owned or identified for acquisition by the Nature Conservancy and similar organizations and lands with permanent conservation easements.
6. Give county assessors the right to inspect properties for which greenbelt status is requested to ensure that the tax-subsidized activity claimed is actually taking place every year.

It is important to note that this report does not attempt to evaluate the success of Tennessee’s greenbelt law in conserving green space, supporting the agricultural or forest industries, securing environmental or ecological goods and services such as carbon sequestration, flood control, or climate regulation, or what the value of any success might be to the common good, the local market or the broader economy—its focus is limited to cost and equity issues directly related to property valuation and tax revenue from greenbelt tracts. These other issues are difficult, if not impossible, to quantify in any meaningful way in relation to the cost and equity issues of concern here.

INTRODUCTION

It has been over three decades since Tennessee passed The Agricultural, Forest and Open Space Land Act of 1976—commonly known as the greenbelt law. The state passed the greenbelt law in response to the threat of urban sprawl, excessive development, and the continued loss of open land, including agricultural land, forest land, wetlands, and general open spaces. This threat motivated most states to establish tax incentives designed to limit or delay urban developments, especially at the fringes of urban areas. Tennessee’s greenbelt law allows for the valuation of agricultural, farm, and open space properties on the basis of their current use rather than their present market value. This brief summarizes Tennessee’s greenbelt law and examines major concerns and issues of such non-market valuations and the reduction in taxable values and assessments that result:

- (1) Since the property tax remains the major source of revenue for all but one county in Tennessee,¹ dependence on it is expected to increase in the future. Greenbelt valuation assessment losses may become a more significant fiscal concern in many counties.
- (2) Greenbelt valuations provide significantly different benefits to land owners in different counties, with the greatest relative benefits going to those in metropolitan areas of the state.
- (3) The preferential tax treatment given to greenbelt properties negatively affects taxpayers who do not enjoy the benefit of greenbelt valuations. Such property owners

This report does not attempt to evaluate the success of Tennessee’s greenbelt law in conserving green space or what the value of any success might be to the common good—its focus is limited to cost and equity issues related to property valuation. These other issues are difficult, if not impossible, to quantify in any meaningful way in relation to the cost and equity issues of concern here.

¹Sevier County; see DRAFT-TACIR Report “Importance of the Property Tax among Tennessee Counties,” 2008.

THE GREENBELT LAW IN TENNESSEE AND OTHER STATES

Every state provides property tax relief for certain agricultural land. In most cases, this is accomplished by allowing for the valuation of such properties on the basis of present use rather than present market value. In some states, the relief is also available to owners of certain forest and open space land. Such tax relief is in addition to more general property tax relief provided by property classification systems that assess residential and farmland property at lower rates than commercial, industrial, and utility properties.

In Tennessee, special use valuation of eligible agricultural, forest, or open properties was established by The Agricultural, Forest and Open Space Land Act of 1976. This act, commonly referred to as the greenbelt law, is available as amended (2007) at TCA 67-5-1001 et seq. The special “use” valuation procedures are described in somewhat general terms in the statutes and are augmented by rules and regulations promulgated by the Division of Property Assessments in the Office of the Tennessee Comptroller.

must shoulder an additional tax burden resulting from the de facto subsidy provided to greenbelt beneficiaries.

(4) Existing measures of the effect of greenbelt valuations are somewhat ambiguous and underestimate the full effect of this program on many properties.²

This report is not a full assessment of the net value of Tennessee’s greenbelt law. It does not attempt to evaluate the success of the law in conserving green space or what the value of any success might be to the common good. Its focus is limited to cost and equity issues related to property valuation. For further reading, the effect and equity of greenbelt valuations has been monitored over the years by the Comptroller’s Office and studied in some depth in 1991 in two separate reports: Green (1991) and Leuthold and Chen (1991).

GREENBELT ELIGIBILITY AND AUDIT

In many states, the minimum requirements for initial eligibility to qualify for the greenbelt program are nominal, such as in Tennessee where the law requires only that the land is currently “engaged in the production or growing of agricultural products” or “engaged in the growing of trees under a sound program of sustained yield management” (TCA 67-

²The issue is further complicated by the fact that the reduction in taxable assessments from greenbelt results in a lower calculated measure of fiscal capacity in the BEP program. The result is that counties that are heavily affected by greenbelt-induced assessment losses receive relatively higher state education aid.

5-1004(A)(i) and 1004(3)).³ The Tennessee statutes also allow an assessor to presume farming is taking place if the activity generates an average of \$1,500 per year over a three year period;⁴ net income, however, can be negative.⁵ In almost all cases, state greenbelt laws “do not distinguish between family farms, corporate farms, hobby farms, and even land being prepared for subdivision and development.”⁶ The definition of a “farmer” itself remains ambiguous in most states.⁷ In Tennessee, the law establishes three classifications of greenbelt properties:

1. Agricultural land: requires a minimum 15 acre tract used fully or partly for agricultural purposes⁸ and which may include woodlands and wastelands as part of the tract. If a landowner initially qualifies a minimum 15 acre tract, an additional tract of at least ten acres will qualify if both tracts are being used as a farm unit. The land is assumed to be in agricultural production if the \$1,500 annual income minimum is reached. Approximately 95% of greenbelt valuations in Tennessee are for agricultural land.
2. Forest land: requires a minimum of 15 acres of forest under a forest management plan. This

³Landowners seeking greenbelt valuations must submit an application to their local assessor. A copy of the application for greenbelt assessment (for agricultural land) is included in the Appendix.

⁴Includes farm sales, farm rents and federal farm support payments.

⁵Greenbelt eligibility in Tennessee is not excessively liberal; in New Jersey the minimum land requirement is only five acres, and the minimum gross income only \$500.

⁶Youngman (2005), p. 730.

⁷In 2004, farm proprietorships in the United States filed 2.1 million schedule F returns with the IRS. Only 29% reported a net profit, and the net profits represented only 5.2% of the total AGI reported by these taxpayers.

⁸TCA 67-5-1005 uses somewhat ambiguous language regarding what is farm land; namely “the tax assessor shall take into account, among other things, the acreage of such land, the productivity of such land, and the portion thereof in actual use for farming or held for farming or agricultural operation.”

may involve little more than an inventory or trees on the land and minimum management of the forest over time.⁹

3. Open space land: requires minimum of three acres excluding agricultural and forest land maintained as open space and “included within a plan for preservation approved by state or local planning agencies.”¹⁰

Tennessee law allows an exception granting greenbelt status to certain family farms that, while no longer actively engaged in farming, had been in the past.¹¹ Regardless of which greenbelt classification applies, the law limits greenbelt eligibility to a maximum of 1,500 acres per owner per county.

Once some portion of a parcel becomes eligible for greenbelt status, the status generally remains in effect until such time as the property is sold, or evidence becomes available showing the property is no longer eligible for the greenbelt program. Assessors generally do not actively audit or inspect greenbelt properties for activities that would make the land ineligible for the program.¹² Furthermore, “the Greenbelt Act does not state that the county property assessor may or should obtain assistance from any agricultural agency to provide assistance in determining whether an actual farming operation is present on greenbelt parcels.”¹³ In some cases, assessors or local governments themselves can be aggressive in ensuring that a given parcel of land is actively “engaged” in farming and deserving of greenbelt status (see

⁹Since the agricultural classification allows inclusion of woodlands and wastelands, the forest land greenbelt parcels likely understate total forest land under greenbelt.

¹⁰*Greenbelt: A Taxpayer’s Guide*. A publication of the Comptroller of the Treasury, State Board of Equalization; available at <http://www.comptroller.state.tn.us/sb/GreenbeltBrochure1-25-06.pdf>; August 6, 2008.

¹¹TCA 67-5-1004.

¹²Based on an analysis of sixteen middle Tennessee counties (2007 Tax Aggregate Report data). In 1990, agricultural parcels represented over 99% of greenbelt parcels (Leuthold and Chen, 1991, p. 2).

¹³Leuthold and Chen (1991), p.42.

case involving Crescent Resources and Williamson County Assessor).¹⁴

GREENBELT USE VALUE CALCULATIONS IN TENNESSEE: THE DEVIL IS IN THE DETAILS

Greenbelt use value calculations in Tennessee are given in TCA 67-5-1008 (c) (1), (2), and (3). Parcels eligible for greenbelt use valuations are classified as agricultural, forest, open space, or homebelt; often some combination of agricultural and forest. The majority is agricultural, followed by forest. Many parcels that qualify for greenbelt valuations include improved property, the prime example being a personal residence (and usually one acre of land on which it rests) that is not eligible for greenbelt valuation. The description that follows refers only to the valuation of greenbelt eligible property itself, not necessarily the whole parcel, unless the whole parcel consists of unimproved land.

Greenbelt value per acre—also called “land use unit price” on detailed county real estate appraisal cards—is calculated by the Comptroller’s Division of Property Assessments as the smaller of

(a) $[(2 \times \text{use value}^{15}) + \text{farm land value}]/3$,
or

(b) the greenbelt value in the year of the last county reappraisal and the product of

The greenbelt value in most cases has little relationship with prices paid for similar land as reflected in actual land sales in the area.

¹⁴<http://www.comptroller.state.tn.us/judgeminsky/2008.04.14-CrescentResources.pdf>, viewed on May 7, 2008.

¹⁵The actual term used on use schedules produced by the Division of Property Assessments is “income value.”

6% times the number of years since its last reappraisal.¹⁶

The greenbelt value in most cases has little relationship with prices paid for similar land as reflected in actual land sales in the area, which in urban and suburban areas is often for residential or commercial development purposes.

INCOME VALUE

The first step in calculating the “use value” of a piece of greenbelt property is estimating its potential to produce a stream of income. The “income value” is calculated as the potential income stream divided by the capitalization rate. The Tennessee Division of Property Assessments is responsible for supplying the information needed to produce the estimated annual agricultural income per acre for varying parcels of land, which is done for each county for each of twelve different classes of land,¹⁷ and the capitalization rate. Estimated income figures reflect consideration of soil productivity, crop prices, topography, flooding potential, rental value and other factors. The capitalization rate is calculated by dividing the farm real estate interest expense by total farm real estate debt, as published by the Tennessee Agricultural Statistics Service.¹⁸ The capitalization rate used in calculations for 2006 was 6.77%. If the above procedure produced an estimated income potential for a particular piece of land of \$50 per acre, and the capitalization rate was 6.77%, then the estimated income value of this land per acre would be \$739 ($\$50/.0677$).

¹⁶The calculations for Williamson County for 2006 for each of 12 land classes are shown in the Use Schedule for Williamson County included in the Appendix (prepared by the Division of Property Assessments).

¹⁷Four types of land (crop, rotation, pasture, and woodland), each further classified as either G (good), A (average), or P (poor); see 2006 use value data prepared for Williamson County, in Appendix.

¹⁸This is an arm of the National Agricultural Statistics Service operated by the USDA; see data at http://www.nass.usda.gov/Statistics_by_State/Tennessee/index.asp.

FARM LAND VALUE

While it might seem reasonable to assume that the market value of a piece of property would play some small role in establishing its ultimate greenbelt value, this is not the case. For purposes of greenbelt valuations, another measure of the value of the land is required, namely farm land value. Farm land value in any particular county is to be determined based “solely on farm-to-farm sales least influenced¹⁹ by commercial, industrial, residential, recreational or urban development, the potential for such development, or any other speculative factors.”²⁰

GREENBELT VALUE—FINAL STEP

The initial greenbelt value is calculated as shown above: the sum of (a) twice the calculated income value of the land per acre plus (b) the farm land value per acre, divided by 3.²¹ The preferential treatment does not end here. A final calculation is required that limits the official greenbelt value per acre to the greenbelt value in the previous reappraisal year times the product of 6% and the number of years since the last reappraisal. So if the last reappraisal occurred five years ago, the maximum greenbelt value per acre in the current year would be 1.3 times the greenbelt value five years ago. In fast growing urban and suburban areas, this last adjustment often trumps all the other calculations and establishes the actual greenbelt value used in calculating a property’s assessed value and ultimate tax liability.

¹⁹Shown on the official Use Schedules for each county prepared by the Division of Property Assessments as “LEASE INF MARKET VALUE.”

²⁰TCA 67-5-5008 (c) (3).

²¹Some of the confusion faced in understanding the procedures used to calculate greenbelt values relate to the confusing usage of “income value” and “use value” in the statutes (TCA 67-5-1008 (c)). The statutes appear to have intended to calculate “use value” as the sum of twice the “income value” plus the farm land value, divided by three. While the statutory language calls for multiplying the “use value” by two in calculating the greenbelt value, the actual procedure noted on the use schedules prepared by the Division of Property Assessments uses “income value” times two.

While it might seem reasonable to assume that the market value of a piece of property would play some small role in establishing its ultimate greenbelt value, this is not the case.

The relative importance of greenbelt assessments—as shown by the ratio of greenbelt parcels to total taxable parcels—varied from a low of only .5% in Shelby County, to a high of 28% in Crockett County.

MARKET LAND VALUE

Local assessors are required to maintain information on both the market value of greenbelt parcels²² and the greenbelt values as described above. Local assessors calculate such required “market values” as follows:

(a) The “least influence market value” per acre for the specific land class as supplied by the Division of Property Assessments for each county is adjusted up or down depending on location, soil, and other factors to arrive at the “unit land price per acre.”²³

(b) The unit land price per acre is then multiplied by a locally determined condition factor²⁴ that reflects specific local market situations that effect the per acre value of a given parcel to produce the “adjusted unit land price.”

The depth factor (a) and condition factor (b) are both shown on the detailed real estate appraisal card for each parcel. The utilization and effect of greenbelt valuations vary widely from county to county. These variations are documented in the material that follows.

²² As required in TCA 67-5-1008.

²³ The land is classified (depth factor) as A, B, C, D; with A being the most desirable, and D the least desirable. The “LEAST INF MARKET VALUE” produced by the Division of Property Assessments for each county for each land classes reflects the “C” value for each of the 12 land classes.

²⁴ The condition factor is an index number. A factor of 500 would be used to increase the unit land price (as shown on the appraisal card) by a factor of five to arrive at the “adjusted unit land price (per acre).” The market price of the property would then be calculated as the adjusted unit land price times the number of acres.

GREENBELT UTILIZATION AND EFFECT BY COUNTY

Statewide, almost 200,000 parcels were assessed under greenbelt for property tax year 2006. The absolute number varied extensively from county to county, and the relative number of taxable parcels assessed under greenbelt also varied extensively. For a full description of the variation by county, see Table 1 in the Appendix. The actual number of parcels assessed under greenbelt varied from a low of 467 in Scott County, to a high of 5,265 in Gibson County. The relative importance of greenbelt assessments—as shown by the ratio of greenbelt parcels to total taxable parcels—varied as well, from a low of only .5% in Shelby County, to a high of 28% in Crockett County. Statewide, the number of greenbelt parcels has grown 21.3% since 1990, from 164,572 to 199,555.²⁵ TACIR does not have data indicating whether or not actual greenbelt acreage has grown. It is possible that this growth reflects more an increase in separate parcels than an increase in farm and woodland acreage.

GREENBELT EFFECT ON COUNTY PROPERTY TAX BASES

Table 2 in the Appendix shows the relative effect of greenbelt valuations on total market value assessments in each county. While the reduction in assessments from greenbelt valuations is of minor importance in the four major urban counties (a reduction in market-based assessments of 1.6% or less and statewide of only 4.3%), the effect is significant in some counties. Total market-based assessments in Clay County in 2006 were reduced by 21.4%. Eight other counties experienced reductions in market-based assessments exceeding 15%.²⁶ Tax rates were likely set higher in these counties to offset the

There is significant variation among counties in the benefits that accrue to owners of greenbelt properties.

²⁵ Data from 2006 and 1990 Tax Aggregate Reports.

²⁶ Bedford, Bledsoe, Cannon, Grainger, Jackson, Meigs, Overton, and Pickett Counties.

The data show the greatest difference between market and greenbelt parcel values (over 70%) occur in Blount, Hamilton, Sevier, Shelby, and Williamson Counties.

reduced assessments, and the bulk of the higher taxes were paid by those who are not eligible for or don't receive the tax relief offered by greenbelt valuation. Statewide, total assessments were reduced by almost \$5 billion in 2006, a 284% increase over the estimated loss in 1990 (Green, 1991, p.9). Greenbelt-based assessment reductions as a percent of total market-based assessments rose from 3.4% in 1990 to 4.3% in 2006.

GREENBELT RELIEF TO LANDOWNERS BY COUNTY

The tax relief provided to individual land owners who are eligible for greenbelt tax relief also varies significantly from county to county. This follows from the wide differences that exist between the greenbelt value and the market value of greenbelt properties from county to county.²⁷ While use value calculations can often be very similar from county to county, market values for undeveloped land vary significantly and are especially high in and near large metropolitan areas. There were also relatively high levels of average tax relief for parcels in urban and urban fringe counties in 1990.²⁸

Table 3 shows the significant variation among counties in the benefits that accrue to owners of greenbelt properties. The data show the greatest difference between market and greenbelt parcel values (over 70%) occur in Blount, Hamilton, Sevier, Shelby, and Williamson Counties.

Any parcel that includes some land that enjoys greenbelt status is considered a greenbelt parcel, even though the parcel may contain improvements and the land on which the improvements lie is not subject to use valuations; these elements of the parcel are appraised at market values. To clarify this point, the following example is provided:

²⁷ As well as between individual greenbelt parcels within the same county.

²⁸ Leuthold and Chen (1991), pp. 23-26.

Property A consists of 30 acres of land, with a \$500,000 home on one of the acres. The single acre of land containing the home is given a market value of \$50,000. The other 29 acres are given a market value of \$15,000 each, or a total for the 29 acres of \$435,000. The market value of the whole parcel is \$985,000 (\$500,000+\$50,000+\$435,000). Since the 29 acres consists of greenbelt-eligible pasture and woodlands, they are calculated to have a use value of only \$500 an acre, or a total of \$14,500. The resulting total greenbelt value of the parcel is \$564,500 (\$500,000+\$50,000+\$14,500). The calculated difference between the market value of the parcel and the greenbelt value is \$420,500 or a reduction in the taxable value of the property (and its assessed value) of about 42.7%.

The reported figures dramatically understate the relative benefit of greenbelt use valuations for the greenbelt-eligible land only. The actual difference between the market value and greenbelt value of the greenbelt-eligible portion of the parcel in the example above is \$420,500 and reflects a decrease in the taxable value of the greenbelt-eligible property (and its assessed value) of almost 97%.

ROLLBACK TAXES

Rollback taxes are due when property that had been enjoying the tax advantages associated with greenbelt valuations ceases to qualify as agricultural land, forest land, or open space as defined under the greenbelt law.²⁹ These taxes are designed

²⁹ Either because the current owners (or new owners) no longer work the property as required by the greenbelt laws, or because the property is sold for development.

The rollback tax on greenbelt property in Tennessee is calculated based on the market value of the land during the three year period preceding the year in which the land ceases to qualify for the greenbelt, times the tax rates in those years.

to recoup some of the taxes lost by local governments as a result of the special use valuations and tax savings enjoyed by the owner of the land. A majority of states impose this type of penalty on property owners who have enjoyed greenbelt tax relief over the years and then sell the property for development. The response of states to the loss of greenbelt eligibility falls into three categories:³⁰

1. No penalty states: no rollback or other penalty is imposed.
2. Rollback states: collect several years of the tax savings that had been enjoyed by the greenbelt owners.
3. Percent-payback states: the penalty for the removal from greenbelt is based wholly or partly on the actual selling price of the property when sold compared to the assessed value for the year of sale.

Rollback taxes in Tennessee are based on the market land values (versus greenbelt values) that must be maintained by local assessors. The rollback tax is calculated based on the market value of the land during the three-year period preceding the year in which the land ceases to qualify for the greenbelt, times the tax rates in those years. Tennessee law does not require any consideration of the actual sales price of the greenbelt land when calculating rollback taxes. No interest is charged for these rollback taxes that are based on prior year tax savings.³¹

ESTATE BENEFIT

Heirs of greenbelt property owners enjoy an additional benefit of the program. When the property's owners die, their heirs get

³⁰ Based on an analysis by Richard England using information for 2002.

³¹ Many states that provide greenbelt tax relief impose interest on rollback taxes.

the land and can sell it at market value without a having to pay a significant rollback tax. In effect, they are able to sell the land at market value without ever having had to pay taxes on the market value of the land.

EFFECT OF GREENBELT ON APPRAISALS ON OLD SMYRNA ROAD, BRENTWOOD, WILLIAMSON COUNTY

The effect of greenbelt valuation was studied for a single street in Brentwood, Tennessee (Williamson County), to spotlight the significant effect greenbelt can have on both taxing districts and the property owners who enjoy the tax reduction from greenbelt land designations. Old Smyrna Road in Brentwood lies within three miles of the center of commerce of Brentwood. Most of the street is within the city limits of Brentwood and thus subject to both city and county property taxes. It is approximately two miles long ending on its east side at Edmondson Pike and dead ending on its west side at Interstate 65. It is a two-lane blacktop crossing only one major road (Wilson Pike) over its two mile length.

Property along Old Smyrna Road is quite diverse. The road contains historical properties dating back to the early 1800s³² as well as newly built large estates. The geography of much of the road consists of rolling hills, wooded areas, and open pastures. Many of the parcels contain acreage that is relatively large, especially given their close proximity to the center of Brentwood.

The State Comptroller's Office website provides data on real estate assessments for most counties in Tennessee.³³ The data³⁴ includes market based appraisals for all parcels and, in

³²The John Frost House, also known as Cottonport, was constructed around 1810.

³³<http://www.assessment.state.tn.us/Select County.asp>

³⁴Data accessed on 3/27/2008.

The intent of the case study is to call attention to the dramatic effect greenbelt can have on property tax liabilities on individual parcels of property, and to raise the issue of the appropriateness of continued annual subsidies for property owners who often are not primarily engaged in agricultural or forestry pursuits.

While no blanket conclusion is possible concerning the importance of agricultural activity on these parcels to the owner's livelihood, the data suggests that in several cases, the potential income from working the land is not a significant factor to the owner's household income.

addition, use value appraisals for parcels containing greenbelt eligible land. The data for Old Smyrna Road in Brentwood consists of a total of 63 taxable parcels.³⁵ Fourteen of the 63 taxable parcels claim a greenbelt exemption and have all or part of the parcel appraised at use value.³⁶ The intent of the analysis of greenbelt on property assessments and tax liabilities on this single stretch of road is twofold:

- (1) to call attention to the dramatic effect greenbelt can have on property tax liabilities on individual parcels of property, and
- (2) to raise the issue of the appropriateness of continued annual subsidies for property owners who often are not primarily engaged in agricultural or forestry pursuits.

The 14 parcels containing greenbelt eligible land vary in market value from a low of \$386,000 to a high of more than \$9.4 million. Three of the parcels contain homes with values in excess of \$500,000. The parcels vary in size from just over the statutory minimum of 15 acres to just over 157 acres. The one common denominator shared by all 14 parcels is the high relative discount from market value enjoyed by the greenbelt land on each of the 14 parcels.

The ratio of greenbelt use value to market value for only the greenbelt eligible land on each parcel varied from a low of .88% to a high of only 4.12%. The average for the 14 parcels was only 2.73%, reflecting an average discount from market value of 97.3%.

While no blanket conclusion is possible concerning the importance of agricultural activity on these parcels to the

³⁵Two parcels are fully exempt (a cemetery and a Nashville Electric Service substation).

³⁶The use value appraisals apply to land values only (excludes homes and generally a single acre of land).

owner's livelihood, the data suggests that in several cases, the potential income from working the land is not a significant factor to the owner's household income. Two of the parcels contain homes valued at over \$1 million, and at least one of the parcels—that recently sold for over \$9 million or almost \$60,000 per acre—is owned by a business with members actively engaged in the residential building business. This is not to say that the land provides no other value to parcel owners; many owners clearly enjoy the open space and privacy provided by such large parcels—low land valuations, low taxes, and estate advantages being a welcomed additional benefit. Of course, as stated earlier, there are also potential benefits from greenbelt property for the rest of the public. Open land provides environmental goods and services and the greenbelt may have value in the market, the economy, and to citizens other than the owners who may be allowed to use the land.

FINDINGS, ISSUES FOR FUTURE STUDY, AND RECOMMENDATIONS

The findings of this analysis raise issues regarding the tax fairness of the greenbelt program. Indeed, officials in other states are starting to question the fairness of the tax subsidy or tax expenditure granted owners of greenbelt properties when the owners are absentee landlords, gentlemen farmers whose primary source of income is not from farm production, or outright developers who are holding onto the land for later development and are using the land for pasture or other legitimate purposes that qualify for greenbelt valuation. The findings for Tennessee follow.

FINDINGS

- The effect of the greenbelt program on the local property tax base varies extensively from county to county, significantly reducing the tax base in many counties,

and likely causing a combination of higher property tax rates and taxes on those property owners not enjoying greenbelt valuations.

- The effect on property owners also varies extensively from county to county, with the greatest relative benefits accruing to landowners in urban and other high-growth areas where land values greatly exceed “use” values.
- Greenbelt land in some urban areas can enjoy valuations for tax purposes of less than 1% of market value.
- Rollback taxes, as currently calculated, do not in most cases reflect any consideration for the actual selling price of a parcel that was previously classified as greenbelt eligible.

ISSUES FOR FUTURE STUDY

This report is not intended as an exhaustive study of the greenbelt issue in Tennessee. It likely raises more questions than it answers. It neglects and leaves unanswered some of the most important questions surrounding the greenbelt program. TACIR staff believes these issues should be addressed in future studies:

- To what extent does the program reduce or postpone urban sprawl?
- To what extent does the program reduce land speculation?
- To what extent do the local or national markets and economy benefit from subsidizing agricultural land protected by greenbelt?
- To what extent does the program secure environmental or ecological goods and services, such as carbon sequestration, flood control, or climate regulation?

- Who benefits, how and how much from greenbelt? Landowners who enjoy the equivalent of a tax subsidy from greenbelt valuations, or other citizens who are assumed to derive benefits from the preservation of open spaces?
- Are below-market valuations and taxation of agricultural land, including forest and open space land, equitable when non-agricultural land and properties that are affected by the same market forces are valued and taxed on the basis of their full market value?
- The potential negative effect of the greenbelt program on rural county finances was recognized in the original legislation authorizing greenbelt. This recognition took the form of capping the number of acres eligible for greenbelt by a single owner in a single taxing jurisdiction at a maximum of 1,500 acres. As the data in the report shows, the effect of greenbelt varies extensively from county to county, reducing the tax base based on market values more than 20% in some counties. Should the Legislature consider state assistance in some form to those counties whose property tax base was severely reduced by the good intentions of greenbelt?
- Did the Legislature intend to give a tax subsidy in the form of below-market valuations to all land owners regardless of the degree of their involvement in farming or agriculture, or just to those who actually are dependent on agricultural pursuits for their livelihood? If not the first, “then some amendments to the Greenbelt Act would be in order.”³⁷

³⁷Leuthold and Chen (1991), p.42.

RECOMMENDATIONS

The report identified several outstanding problems with Tennessee's current greenbelt law. Options for dealing with these identified problems include:

1. Greenbelt valuations are a form of subsidy, and most government subsidies generally require proof of eligibility so taxpayer funds are not squandered. Limit agricultural, horticultural, husbandry, and forestry greenbelt subsidies to those who actually depend on such activities for a significant portion of their livelihood rather than engage in them as a hobby. This could entail some combination of qualifications including (a) the filing of a copy of a proprietor Schedule F (farm return) with the IRS each year showing a minimum gross income per greenbelt acre of \$100 (excluding federal program payments);³⁸ (b) require that landowners (including others legally in ownership positions) depend to some minimal degree on agricultural, forestry, or livestock activity for a minimum of 5% of their reported total income to the IRS.
2. Given the extremely large greenbelt valuation discounts discovered by the report (over 99% in one case on one street), establish a minimum valuation of greenbelt-eligible land equal to 10% of the county assessor's market valuation of the greenbelt-eligible land.³⁹ This would dramatically increase the transparency of the greenbelt subsidy in contrast to the existing

³⁸ It makes little sense to provide a land owner with local tax subsidies that are based partly on federal subsidies. This requirement would also apply to properties under corporate or other form of ownership and require IRS filings showing such activities.

³⁹ Excludes improved property and land on which it sits.

evaluation program procedures that are incomprehensible to the average taxpayer.

3. Modify the existing rollback tax calculations to include interest on the calculated value of the tax subsidies enjoyed for the three years preceding the sale of the property.
4. Modify the existing rollback tax calculation to include the sale price of the land in the year when sold, thereby including in the rollback calculations the only true measure of the likely value of the land in the past.
5. Limit greenbelt valuations for “open space” tracts to land identified as having outstanding natural values only, such as lands owned by the Nature Conservancy and similar organizations.
6. Give county assessors the right to inspect properties for which greenbelt status is requested to insure that the tax-subsidized activity claimed is actually taking place every year.

APPENDIX

TABLE 1. NUMBER OF GREENBELT PARCELS, TAXABLE PARCELS,
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**Table 1. Number of Greenbelt Parcels, Taxable Parcels, and Greenbelt Parcels as Percent of Total
2006 Data**

County	Greenbelt Parcels	Total Taxable Parcels	Percent of Total	County	Greenbelt Parcels	Total Taxable Parcels	Percent of Total
ANDERSON	971	37,197	2.6%	LAUDERDALE	2,219	13,572	16.3%
BEDFORD	2,785	21,497	13.0%	LAWRENCE	4,184	23,913	17.5%
BENTON	1,968	15,953	12.3%	LEWIS	545	7,581	7.2%
BLEDSOE	1,587	10,582	15.0%	LINCOLN	3,981	18,558	21.5%
BLOUNT	2,273	67,168	3.4%	LOUDON	1,588	32,063	5.0%
BRADLEY	1,762	46,439	3.8%	MCMINN	2,548	30,250	8.4%
CAMPBELL	820	28,819	2.8%	MCNAIRY	2,891	17,669	16.4%
CANNON	1,592	7,425	21.4%	MACON	2,128	12,928	16.5%
CARROLL	2,790	18,211	15.3%	MADISON	3,002	48,213	6.2%
CARTER	1,171	31,496	3.7%	MARION	1,047	19,608	5.3%
CHEATHAM	1,354	20,800	6.5%	MARSHALL	2,077	16,400	12.7%
CHESTER	1,749	9,127	19.2%	MAURY	2,974	39,440	7.5%
CLAIBORNE	2,488	22,495	11.1%	MEIGS	870	8,465	10.3%
CLAY	1,396	6,532	21.4%	MONROE	2,508	28,338	8.9%
COCKE	1,819	23,800	7.6%	MONTGOMERY	2,376	63,861	3.7%
COFFEE	2,447	29,892	8.2%	MOORE	627	3,745	16.7%
CROCKETT	2,647	9,445	28.0%	MORGAN	1,348	14,405	9.4%
CUMBERLAND	1,443	65,186	2.2%	OBION	3,160	19,800	16.0%
DAVIDSON	1,438	237,305	0.6%	OVERTON	2,649	14,239	18.6%
DECATUR	1,406	12,689	11.1%	PERRY	654	7,376	8.9%
DEKALB	1,515	17,314	8.8%	PICKETT	827	5,520	15.0%
DICKSON	2,325	26,245	8.9%	POLK	896	12,315	7.3%
DYER	2,591	21,642	12.0%	PUTNAM	2,687	36,113	7.4%
FAYETTE	3,399	21,064	16.1%	RHEA	1,225	23,155	5.3%
FENTRESS	1,608	14,811	10.9%	ROANE	1,151	35,523	3.2%
FRANKLIN	2,816	24,585	11.5%	ROBERTSON	4,610	34,037	13.5%
GIBSON	5,265	29,118	18.1%	RUTHERFORD	3,337	95,920	3.5%
GILES	4,325	18,020	24.0%	SCOTT	467	14,168	3.3%
GRAINGER	2,424	14,720	16.5%	SEQUATCHIE	787	10,776	7.3%
GREENE	5,035	41,968	12.0%	SEVIER	2,252	85,726	2.6%
GRUNDY	1,171	9,880	11.9%	SHELBY	1,945	369,129	0.5%
HAMLEN	1,120	31,204	3.6%	SMITH	1,905	11,625	16.4%
HAMILTON	1,711	152,037	1.1%	STEWART	1,311	11,965	11.0%
HANCOCK	1,087	5,553	19.6%	SULLIVAN	2,408	87,325	2.8%
HARDEMAN	3,144	20,545	15.3%	SUMNER	4,157	70,351	5.9%
HARDIN	1,593	24,505	6.5%	TIPTON	3,110	30,878	10.1%
HAWKINS	3,261	37,723	8.6%	TROUSDALE	757	4,653	16.3%
HAYWOOD	2,546	11,994	21.2%	UNICOI	492	11,079	4.4%
HENDERSON	2,841	17,575	16.2%	UNION	1,439	13,972	10.3%
HENRY	2,441	25,765	9.5%	VAN BUREN	759	5,441	13.9%
HICKMAN	1,314	18,378	7.1%	WARREN	2,583	22,442	11.5%
HOUSTON	681	6,107	11.2%	WASHINGTON	2,364	57,614	4.1%
HUMPHREYS	1,366	12,436	11.0%	WAYNE	1,738	12,341	14.1%
JACKSON	2,005	8,617	23.3%	WEAKLEY	4,086	20,598	19.8%
JEFFERSON	1,969	32,704	6.0%	WHITE	2,188	16,400	13.3%
JOHNSON	1,743	13,416	13.0%	WILLIAMSON	4,064	74,683	5.4%
KNOX	1,648	193,372	0.9%	WILSON	3,027	49,561	6.1%
LAKE	757	3,808	19.9%	TOTAL	199,555	3,240,898	6.2%

Source: 2006 Tax Aggregate Report, Table X.

Table 2. Effect of Greenbelt Assessments on Total Local Market-Based Assessments

County	Total Local Assessments(\$) (excludes State Assessed)	Difference in Use Value Versus Market Value(\$)	% of Total Market Value Assessments
Anderson	1,208,754,177	43,493,675	3.5%
Bedford	706,201,999	129,356,850	15.5%
Benton	185,576,266	14,167,900	7.1%
Bledsoe	147,983,068	36,246,850	19.7%
Blount	2,530,428,950	202,048,525	7.4%
Bradley	1,624,242,727	81,219,325	4.8%
Campbell	567,077,284	26,397,450	4.4%
Cannon	147,507,044	29,166,500	16.5%
Carroll	272,631,444	23,769,125	8.0%
Carter	671,353,267	26,931,800	3.9%
Cheatham	515,896,398	23,206,625	4.3%
Chester	158,346,942	13,778,075	8.0%
Claiborne	359,990,420	28,537,550	7.3%
Clay	93,857,479	25,566,175	21.4%
Cocke	448,678,427	43,046,400	8.8%
Coffee	806,717,470	65,045,800	7.5%
Crockett	170,396,199	23,253,500	12.0%
Cumberland	906,140,713	41,231,775	4.4%
Davidson	15,198,842,268	83,154,155	0.5%
Decatur	141,180,179	8,077,425	5.4%
Dekalb	361,325,099	44,367,725	10.9%
Dickson	733,572,563	33,479,500	4.4%
Dyer	496,439,928	38,698,875	7.2%
Fayette	625,924,937	91,872,025	12.8%
Fentress	176,571,865	16,759,425	8.7%
Franklin	581,929,591	62,229,125	9.7%
Gibson	585,846,491	43,240,925	6.9%
Giles	426,761,762	45,818,625	9.7%
Grainger	231,184,156	41,856,350	15.3%
Greene	967,854,032	87,342,400	8.3%
Grundy	126,311,990	17,282,925	12.0%
Hamblen	1,132,932,255	31,270,675	2.7%
Hamilton	6,487,127,302	103,773,000	1.6%
Hancock	63,944,299	10,846,075	14.5%
Hardeman	261,127,368	31,735,775	10.8%
Hardin	403,257,037	11,701,300	2.8%
Hawkins	740,136,593	80,494,100	9.8%
Haywood	290,670,865	26,016,225	8.2%

Table 2. Effect of Greenbelt Assessments on Total Local Market-Based Assessments (continued)

County	Total Local Assessments(\$) (excludes State Assessed)	Difference in Use Value Versus Market Value(\$)	% of Total Market Value Assessments
Henderson	333,631,075	23,045,500	6.5%
Henry	438,541,426	28,012,775	6.0%
Hickman	255,775,009	13,498,425	5.0%
Houston	86,862,516	7,891,525	8.3%
Humphreys	307,788,004	19,887,975	6.1%
Jackson	113,120,982	22,899,325	16.8%
Jefferson	853,736,934	87,050,100	9.3%
Johnson	232,894,416	33,450,400	12.6%
Knox	7,797,220,109	86,304,900	1.1%
Lake	56,635,695	6,610,873	10.5%
Lauderdale	262,511,387	31,736,075	10.8%
Lawrence	466,607,756	38,248,700	7.6%
Lewis	133,214,285	9,626,600	6.7%
Lincoln	382,563,403	41,107,050	9.7%
Loudon	1,161,792,472	100,019,350	7.9%
McMinn	885,425,612	46,369,650	5.0%
McNairy	271,931,310	22,268,950	7.6%
Macon	231,707,369	23,284,025	9.1%
Madison	1,627,992,648	42,190,700	2.5%
Marion	428,629,430	26,358,225	5.8%
Marshall	423,666,483	31,941,525	7.0%
Maury	1,332,854,986	121,809,650	8.4%
Meigs	174,523,360	33,974,250	16.3%
Monroe	697,233,822	82,407,225	10.6%
Montgomery	2,227,259,512	77,298,900	3.4%
Moore	153,510,104	18,454,725	10.7%
Morgan	203,634,404	34,402,350	14.5%
Obion	405,012,244	39,068,625	8.8%
Overton	216,556,447	44,058,525	16.9%
Perry	106,007,305	5,767,025	5.2%
Pickett	81,124,873	17,841,750	18.0%
Polk	212,130,697	18,104,950	7.9%
Putnam	1,121,559,663	108,858,450	8.8%
Rhea	414,432,059	25,043,850	5.7%
Roane	924,233,220	46,407,456	4.8%
Robertson	937,483,361	89,963,425	8.8%
Rutherford	4,446,014,579	57,954,150	1.3%
Scott	205,828,726	8,626,775	4.0%

Table 2. Effect of Greenbelt Assessments on Total Local Market-Based Assessments (continued)

County	Total Local Assessments(\$) (excludes State Assessed)	Difference in Use Value Versus Market Value(\$)	% of Total Market Value Assessments
Sequatchie	204,998,686	21,418,650	9.5%
Sevier	3,174,169,819	201,484,500	6.0%
Shelby	16,426,170,905	167,132,945	1.0%
Smith	261,133,882	39,148,825	13.0%
Stewart	170,065,694	14,094,075	7.7%
Sullivan	2,764,407,449	81,523,375	2.9%
Sumner	3,058,372,405	129,850,050	4.1%
Tipton	664,402,043	45,037,400	6.3%
Trousdale	82,868,571	10,837,175	11.6%
Unicoi	233,325,821	8,379,200	3.5%
Union	209,739,832	25,101,750	10.7%
Van Buren	78,144,022	12,184,550	13.5%
Warren	494,971,253	59,506,625	10.7%
Washington	2,023,818,229	71,428,400	3.4%
Wayne	168,697,455	14,743,750	8.0%
Weakley	366,538,818	32,500,650	8.1%
White	277,569,413	44,207,375	13.7%
Williamson	5,973,221,237	537,455,975	8.3%
Wilson	2,203,898,592	95,873,850	4.2%
Total	111,002,882,663	4,970,234,379	4.3%

Source: Comptroller of the Treasury: Division of Property Assessments.

Notes: Agricultural, forest and open space properties are all subject to use valuation. Total market-value assessments equal column 1 plus column 2.

Table 3. Greenbelt Use Values Assessments as a Percent of Market Value Assessments

County	Agricultural, Forest, and Open Space Properties Use Value Assessments	Percent Reduction From Market Value Assessments
Anderson	25,852,675	62.72%
Bedford	97,238,225	57.09%
Benton	28,118,375	33.50%
Bledsoe	38,751,475	48.33%
Blount	84,031,375	70.63%
Bradley	63,433,025	56.15%
Campbell	19,092,700	58.03%
Cannon	36,128,425	44.67%
Carroll	46,480,525	33.84%
Carter	25,847,025	51.03%
Cheatham	34,421,650	40.27%
Chester	30,214,325	31.32%
Claiborne	40,696,550	41.22%
Clay	25,555,000	50.01%
Cocke	40,206,400	51.71%
Coffee	71,345,025	47.69%
Crockett	46,097,100	33.53%
Cumberland	38,253,350	51.87%
Davidson	46,277,771	64.25%
Decatur	18,283,000	30.64%
Dekalb	35,262,100	55.72%
Dickson	58,689,425	36.32%
Dyer	50,059,325	43.60%
Fayette	105,778,600	46.48%
Fentress	27,174,475	38.15%
Franklin	71,716,425	46.46%
Gibson	93,227,800	31.69%
Giles	103,149,975	30.76%
Granger	41,707,400	50.09%
Greene	122,282,575	41.67%
Grundy	19,019,950	47.61%
Hamblen	31,897,450	49.50%
Hamilton	20,944,250	83.21%
Hancock	14,755,850	42.36%
Hardeman	59,384,225	34.83%
Hardin	26,435,575	30.68%
Hawkins	64,777,500	55.41%
Haywood	61,229,375	29.82%

Table 3. Greenbelt Use Values Assessments as a Percent of Market Value Assessments (continued)

County	Agricultural, Forest, and Open Space Properties Use Value Assessments	Percent Reduction From Market Value Assessments
Henderson	46,498,275	33.14%
Henry	55,123,050	33.70%
Hickman	29,173,500	31.63%
Houston	13,609,900	36.70%
Humphreys	32,848,675	37.71%
Jackson	32,059,425	41.67%
Jefferson	57,739,200	60.12%
Johnson	31,637,575	51.39%
Knox	57,532,900	60.00%
Lake	19,262,050	25.55%
Lauderdale	45,936,975	40.86%
Lawrence	82,250,750	31.74%
Lewis	13,039,925	42.47%
Lincoln	95,007,800	30.20%
Loudon	48,264,975	67.45%
McMinn	56,610,975	45.03%
McNairy	44,689,050	33.26%
Macon	39,999,750	36.79%
Madison	64,549,550	39.53%
Marion	21,917,550	54.60%
Marshall	52,552,800	37.80%
Maury	96,879,650	55.70%
Meigs	24,007,875	58.59%
Monroe	59,178,325	58.20%
Montgomery	68,880,100	52.88%
Moore	20,221,550	47.72%
Morgan	23,109,975	59.82%
Obion	63,928,700	37.93%
Overton	49,070,125	47.31%
Perry	11,368,525	33.66%
Pickett	14,205,950	55.67%
Polk	22,997,850	44.05%
Putnam	64,611,625	62.75%
Rhea	27,601,225	47.57%
Roane	37,409,525	55.37%
Robertson	95,967,675	48.39%
Rutherford	117,607,500	33.01%
Scott	8,774,625	49.58%

Table 3. Greenbelt Use Values Assessments as a Percent of Market Value Assessments (continued)

County	Agricultural, Forest and Open Space Properties Use Value Assessments	Percent Reduction From Market Value Assessments
Sequatchie	9,419,283	69.46%
Sevier	62,423,950	76.35%
Shelby	63,742,545	72.39%
Smith	45,315,300	46.35%
Stewart	24,122,575	36.88%
Sullivan	58,501,700	58.22%
Sumner	121,578,075	51.64%
Tipton	59,167,550	43.22%
Trousdale	16,267,425	39.98%
Unicoi	9,842,550	45.98%
Union	22,088,725	53.19%
Van Buren	14,160,125	46.25%
Warren	60,627,850	49.53%
Washington	64,425,475	52.58%
Wayne	28,157,200	34.37%
Weakley	63,579,250	33.83%
White	46,464,675	48.76%
Williamson	193,625,525	73.52%
Wilson	104,008,525	47.97%
Total	4,677,460,024	51.52%

Source: Comptroller of the Treasury: Division of Property Assessments.

Note: Percentage reduction equals the difference in market versus use value assessments for Greenbelt properties divided by the sum of use value assessments plus the reported difference.

WILLIAMSON COUNTY USE CALCULATIONS

Williamson 2006 USE VALUE												
LAND CLASS	INCOME	/	RATE	INCOME VALUE	INC. VAL. X 2	LEAST INF MARKET VALUE	TOTAL	USE VALUE	USE % CHANGE	2001 GREENBELT VALUE	STATUTORY MAXIMUM USE	2006 GREENBELT VALUE
45G	\$61.29	/	6.77%	\$906	\$1,811	\$4,400	\$6,211	\$2,070	82.09%	\$1,137	\$1,478	\$1,478
45A	\$53.34	/	6.77%	\$788	\$1,576	\$4,300	\$5,876	\$1,959	92.41%	\$1,018	\$1,323	\$1,323
45P	\$45.83	/	6.77%	\$677	\$1,354	\$4,200	\$5,554	\$1,851	105.72%	\$900	\$1,170	\$1,170
46G	\$38.04	/	6.77%	\$562	\$1,124	\$4,100	\$5,224	\$1,741	119.87%	\$792	\$1,030	\$1,030
46A	\$28.92	/	6.77%	\$427	\$855	\$3,900	\$4,755	\$1,585	143.08%	\$652	\$848	\$848
46P	\$21.89	/	6.77%	\$323	\$647	\$3,700	\$4,347	\$1,449	161.07%	\$555	\$722	\$722
54G	\$20.00	/	6.77%	\$296	\$591	\$3,400	\$3,991	\$1,330	167.14%	\$498	\$647	\$647
54A	\$15.00	/	6.77%	\$222	\$443	\$3,000	\$3,443	\$1,148	178.58%	\$412	\$536	\$536
54P	\$10.00	/	6.77%	\$148	\$296	\$2,600	\$2,896	\$965	284.53%	\$251	\$326	\$326
62G	\$15.00	/	6.77%	\$222	\$443	\$2,600	\$3,043	\$1,014	235.90%	\$302	\$393	\$393
62A	\$12.00	/	6.77%	\$177	\$355	\$2,300	\$2,655	\$885	289.81%	\$227	\$295	\$295
62P	\$9.00	/	6.77%	\$133	\$266	\$2,000	\$2,266	\$755	336.60%	\$173	\$225	\$225

Last Reappraisal:	2001
Current Value Update:	N/A
Appraisal Ratio: 2005	0.9042
Last Update of Values:	2001
Statutory Annual Increase %	6%

PREPARED BY: DIVISION OF PROPERTY ASSESSMENTS

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Keith McDonald, Mayor of Bartlett
Tom Rowland, Mayor of Cleveland

County

Rogers Anderson, Williamson County Mayor
Jeff Huffman, Tipton County Executive
Kenny McBride, Carroll County Mayor
Larry Waters, Sevier County Mayor

Other Local Officials

Brent Greer, Tennessee Development District Association
Charlie Cardwell, County Officials Association of Tennessee

Private Citizens

John Johnson, Morristown
Tommy Schumpert, Knoxville



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