

Staff Report for 2022 State Board of Equalization

October 6, 2022

File No: 2022-BURKE-ONEIL

Prepared By: Property Tax Division

County or City: Burke County

Appellant: Emmet O'Neil and Hugh O'Neil

Issue: Appeal of agricultural land valuations in Burke County

Summary: Emmet and Hugh O'Neil are appealing the 2022 value of soil types C165F, C3A, and C23A as prepared by Burke County. The O'Neils' state that in 2011, Burke County received over 30 inches of precipitation. The O'Neils' also assert that the precipitation destroyed vegetation to the point that sloughs are almost completely non-productive.

Analysis: The O'Neils' appeal, presented to the Burke County Board of Equalization, protested the values of certain soil types. The County Board did not make the O'Neils' requested adjustments and approved the valuations of all soil types for agricultural land in Burke County.

Emmet O'Neil and Hugh O'Neil, combined, own 51 parcels in Burke County, totaling 7,421.75 acres. The Burke County Board of Equalization included cropland and noncropland and valued the 51 parcels at \$1,676,401. The average value per acre of the O'Neils' agricultural land is \$225.88. The average Burke County per acre agricultural land values, as prepared by North Dakota State University Department of Agribusiness and Applied Economics, are \$509.97 for all agricultural land, \$661.57 for crop land, and \$166.44 for non-crop land.

North Dakota Century Code § 57-02-27.2(8) provides direction on the proper valuation of agricultural land. *“Each local assessor shall determine the relative value of each assessment parcel within the assessor’s jurisdiction and shall determine the agricultural value of each assessment parcel ... In determining the relative value of each assessment parcel, the local assessor shall apply the following considerations, which are listed in descending order of significance to the assessment determination:*

- a. Soil type and soil classification data from detailed or general soil surveys.*
- b. The schedule of modifiers that must be used to adjust agricultural property assessments within the county as approved by the state supervisor of assessment under subsection 9.*
- c. Actual use of the property for cropland or noncropland purposes by the owner of the parcel.”*

In addition to soil type, Burke County has also considered the owner’s actual use of the property for cropland or noncropland purposes since 2021. Modifiers were not used in Burke County for 2022.

The agricultural land valuation information was provided by Ms. Brandy Zepp, Director of Tax Equalization. This information contained the O'Neils' ownership records, the valuation schedule, land use layer imagery, and detailed soil information on 12 sections of land. The soil type and classification data provided matches the latest soil survey completed for Burke County.

The review of the information provided indicates that soil types C165F, C3A, and C23A are accurately classified, and the soil values are correctly based on actual use of the soil.

Recommendation: No action required.