

NEW SCANDIA TOWNSHIP
Ordinance No. 45

AN ORDINANCE ESTABLISHING THE DEFERRMENT OF SPECIAL ASSESSMENTS ON CERTAIN AGRICULTURAL AND WILDLIFE HABITAT LAND WITHIN THE TOWN OF NEW SCANDIA.

The Town Board of New Scandia Township, hereby ordains:

Section 1. PURPOSE AND INTENT. The Township recognizes the value of farm land and undeveloped land. Such land conserves and enhances soil and water resources to insure long term quality and productivity. It is the policy of the Township to encourage the use of such land for long-term food production, economic diversity, recreational opportunities, aesthetic needs and historical significance. Such lands provide open space and add to the quality of life in the Township. Such lands and the business of crop production have long been an integral part of the identity and history of the community.

Whenever land urbanization occurs, with accompanying public road, sewer and water improvements, commercial crop land and undeveloped land is many times prematurely converted to an urban use because of the imposition of special assessments for such utilities. It is not the policy of the Township to prohibit or hinder land urbanization. Such urbanization, however, should occur in a timely, methodical, and orderly fashion. The purpose of the policy herein is to protect commercial crop land and undeveloped open spaces from indiscriminate and disruptive takings for public improvements and to allow such lands to continue to be used for crop land and wildlife habitat, even though special assessments may be levied against such land. It is the Township's policy to discourage premature conversion of commercial crop or undeveloped land to an urbanized use. This policy provides a balance between preservation of a valuable economic and natural resource and urbanization.

Section 2. DEFINITIONS. The following terms, unless elsewhere defined herein shall have the following meanings as set forth below.

OWNER. OWNER means the fee owner or contract vendee in possession of the subject property. The OWNER must be an individual person or a general partnership of individual persons or a family farm trust or family farm corporation organized under Minnesota Statute 500.24.

OPERATOR. OPERATOR means a tenant, renter, lessee or other entity engaged in production on the subject land of the fruits, vegetables, nursery stock, plants, crops or forage listed in the definition of PRESERVATION HERITAGE LAND.

PRESERVATION HERITAGE LAND. PRESERVATION HERITAGE LAND is a tract, or a portion thereof, measuring at least 20 acres in size, which meets the following requirements for Agricultural or Wildlife Habitat land. Agricultural land must meet the following requirements:

1. Is actively and exclusively used by the OWNER or OPERATOR for commercial production of any of the following or a combination thereof:

- a. fruits;
- b. vegetables;
- c. nursery stock, such as nursery trees and shrubs;
- d. greenhouse plants;
- e. agronomic crops including grains;
- f. forage such as hay and silage, including pasture land or grazing land.
- g. livestock

2. Has been so actively and exclusively used by the OWNER or OPERATOR for such commercial purposes for at least three (3) continuous years immediately prior to obtaining eligibility status under Section 6 and continuing thereafter.

3. For at least three continuous years prior to obtaining eligibility status under Section 6, and continuing thereafter, the OWNER or OPERATOR must have earned at least \$500 gross income plus \$10 per tillable acre on average per year from the subject PRESERVATION HERITAGE LAND by means of the commercial production listed in Subpart 2 above. This income requirement shall be evidenced by filing with the Township a true copy of Schedule F filed by the OWNER or OPERATOR with the Federal Internal Revenue Service.

4. The products listed in Subpart 1 above must be offered for sale at wholesale or retail.

Wildlife Habitat land includes woods, woodlots, wetlands and other open spaces in their natural state. The owner or operator must meet the following requirements:

1. The land must be managed for good wildlife habitat.

2. The land must provide the four basic needs of wildlife: food, water, shelter and space. High species diversity is desirable, including a wide array of trees, shrubs, grasses and annual and perennial flowering plants. Native plant species are recommended. The land shall not include livestock, vehicle storage or buildings.

3. A land management plan must be filed with the Township which contains soil, water, and wildlife conservation site management including :

a. A list of the primary overstory and understory plant species and approximate percentage of each.

b. A diagram showing the management design plan for the land, with current and future development projected for the next ten years.

4. Plans approved by or developed with the assistance of the Washington County Soil and Water Conservation District, the Minnesota Department of Natural Resources and/or other conservation organizations are highly desirable but not mandatory.

SPECIAL ASSESSMENTS. Special assessments mean those special assessments levied by the Township for asphalt roads, sewer and water; including lateral sewer and water benefits, and trunk line area sewer and water benefits.

Section 3. IDENTIFICATION OF PRESERVATION HERITAGE LAND. PRESERVATION HERITAGE LAND shall not be considered a separate zoning district or a separate classification under the Township's comprehensive plan.

Section 4. FEASIBILITY REPORTS FOR PUBLIC IMPROVEMENTS. Whenever the Township Engineer prepares a feasibility report for public improvements, the Township Engineer shall indicate the amount and location of the actual or potential PRESERVATION HERITAGE LAND that may be affected by the public improvements and that may be subject to special assessments resulting from such improvements. The feasibility report shall also indicate the financial impact that the policy herein has on financing the subject public improvements or bonding for such public improvements.

Section 5. LOCATION OF PUBLIC IMPROVEMENTS. Public improvements made by the Township, including sewer, water, street improvements and park trails, shall be located in a manner so as cause the least possible disruption to PRESERVATION HERITAGE LAND. Where possible, such public improvements, including park trails, shall be located along the boundaries of PRESERVATION HERITAGE LAND, rather than through or across such land.

Section 6. APPLICATION FOR PRESERVATION HERITAGE LAND STATUS. An owner or operator may make application for PRESERVATION HERITAGE LAND status at any time prior to receiving notice of a public improvement hearing. Upon receiving notice of a public improvement hearing, any owner or operator desiring PRESERVATION HERITAGE LAND status shall make application to the Township for approval of such status. The application shall be filed with the Town Clerk no later than the date set for the public improvement hearing. If such application has not been timely made and approved, the land shall not qualify as PRESERVATION HERITAGE LAND and shall not qualify for the benefits described in Section 7 hereof or any of the other benefits described in this ordinance. The Town Board shall make a determination as to whether the land qualifies for preservation heritage status within forty-five (45) days after the public improvement hearing or within forty-five (45) days of the first regular town board meeting after receipt of the application if the application is not made in connection with a public improvement hearing.

Section 7. SPECIAL ASSESSMENTS. The notice for the public improvement hearing shall advise the affected land owners that the Township has a policy with respect to PRESERVATION HERITAGE LAND and deferment of special assessments in connection therewith and that such policy in its entirety is available at the office of the Town Clerk. The notice of hearing shall further advise the affected land owners that application for preservation land status must be filed with the Clerk on or before the date of the public improvement hearing.

The application shall be made under oath by the owner or operator on a form provided by the Town Clerk in which the necessary eligibility requirements for PRESERVATION HERITAGE LAND status are listed.

Except as provided in Section 8, If the application is approved, the special assessments shall be deferred for PRESERVATION HERITAGE LAND upon the following terms and conditions:

1.) A deferment shall be granted only if the property meets the definition of PRESERVATION HERITAGE LAND.

2.) The deferment shall expire upon the first to occur of the following:

- a. The land no longer qualifying as PRESERVATION HERITAGE LAND under the terms of this Ordinance.
- b. The withdrawal by the owner or operator of the land from PRESERVATION HERITAGE status.
- c. The sale or transfer of the property without the buyer or transferee making application for continued PRESERVATION HERITAGE LAND status to the Town Clerk within 60 days of the sale or transfer.
- d. The subdivision or platting of the property.
- e. Fifteen (15) years from the date of the adoption of the assessment roll.

3.) Upon expiration of the special assessment deferment, the principal balance of the deferred special assessments together with interest at the rate established in the resolution establishing the assessment shall be paid in

- a. five (5) annual installments or
- b. the number of years remaining on the original bond issue, if any, whichever is greater.

To the first installment shall be added interest on the entire assessment at the rate established in the resolution establishing the assessment until December 31 of the year in which the deferment ceases. Interest at the same rate shall accrue on this amount until December 31 of the year in which the first installment is payable, and to each subsequent installment shall be added interest for one year on all unpaid installments. The owner, may, at any time thereafter, pay to the Town Treasurer, the entire amount of the assessment remaining unpaid with interest accrued to December 31 in the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.

Whenever any deferment is granted, the Township shall file with the County Auditor and record with the County Recorder a resolution memorializing the terms of the deferment with respect to the subject PRESERVATION HERITAGE LAND.

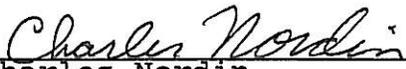
The Town Board shall on an annual basis monitor the status of PRESERVATION HERITAGE LAND to which a deferment has been granted. When the deferment ceases, the Town Clerk shall send to the affected landowner by November 15th of the year in which the deferment ceases a notice advising the landowner that the deferment has ceased and that the special assessments will become due and payable over equal installments beginning with the year thereafter. The notice shall state the number of installments calculated according to Subpart 4 above and the total amount that has become payable calculated according to Subpart 4 above. The notice shall also state the interest rate on the installment balance. The OWNER may appeal to the Town Board the determination that the deferment has ceased; such appeal must be made in writing and within thirty (30) days after the Town Clerk has sent notice to the owner that the deferment has ceased.

Section 8 On PRESERVATION HERITAGE LAND on which is located a residence, in current use, the special assessments shall be levied against one unit as defined in the township assessment policy and shall not be deferred. Any remaining units contained in the PRESERVATION HERITAGE LAND shall be deferred.

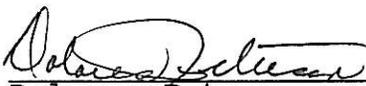
Section 9. POLICY APPLICABILITY. The policy stated herein and the availability of deferments for special assessments shall not apply to any public improvement project for which the public improvement hearing has been held prior to the effective date of this ordinance.

Section 9. WITHDRAWAL OF LAND AS PRESERVATION HERITAGE LAND. If an OWNER has obtained the status of PRESERVATION HERITAGE LAND and no longer wishes such status, the OWNER, by written notice to the Township, may withdraw such land from such status. In such case, the benefits afforded by this Chapter and any deferment of special assessments granted by this Chapter shall cease. Land may change status, from Agricultural to Wildlife Habitat Land, or the reverse, and retain the designation as PRESERVATION HERITAGE LAND as long as the land meets the requirements of this ordinance for the new classification.

Passed and adopted by the Town Board of New Scandia Township this ____ day of _____, 1993.



Charles Nordin
Chairman



Dolores Peterson
Town Clerk