

304. Reapportionment of Benefits

Purpose: The CRWD operates and maintains a number of projects established under Minnesota Statutes chapter 103D. Under law, periodic assessments for project operation, maintenance, repair or improvement typically must be allocated among benefited properties in the same proportion as the original project construction cost. However, over time there is a need for administrative adjustments as the result of ordinary changes in lots of record such as lot subdivision, lot combination, forfeiture for nonpayment of taxes, changes in laws governing exemptions from tax assessment and similar changes. The CRWD Board of Managers believes that the laws governing these periodic assessments intend to allow for these types of administrative adjustments on the basis of ordinary procedures including notice and opportunity to appear, and without the compulsion of more lengthy and expensive proceedings. Accordingly, this policy provides the standards and procedures by which the CRWD, from time to time, may make administrative adjustments to project benefits.

Standard 1: The CRWD Board of Managers will follow the schedule listed below for evaluating the following projects affected by the circumstances noted in the purpose section above:

Project	Initial year Cycle
Cedar Lake AIS Project	2018 Every five years thereafter
Clearwater Lake Milfoil Control Project	2018 Every five years thereafter
Lake Augusta AIS Project	2018 Every five years thereafter
Lakes Louisa and Marie AIS Project	2018 Every five years thereafter
Clearwater/ Grass Lake Bog Control Project	2019 Every five years thereafter
Lake Augusta Bog Control Project	2019 Every five years thereafter
Lake Augusta West Channel Project	2019 Every five years thereafter
Cedar, Albion, Swartout, Henshaw Improvement Project (#06-1)	2020 Every five years thereafter
Clearwater River Chain of Lakes (1980) Restoration Project	2021 Every five years thereafter
Pleasant Lake Outlet Control Project	2022 Every five years thereafter
School Section Lake Outlet Control Project	2022 Every five years thereafter

Standard 2: The standards for benefit reapportionment are as follows:

- If the order establishing a project, or other project-specific order, states a standard for benefit reapportionment that differs from this policy, that standard will apply.
- Otherwise, benefit will be reapportioned as follows:
 - A lot of record designated by the land use authority as unbuildable for a primary residence will be assigned a zero unit of benefit.
 - If a lot of record is subdivided, each buildable lot resulting from the subdivision will be assigned a unit of benefit equal to that assigned to the lot prior to subdivision.

- If two or more lots of record are combined into a single buildable lot of record, the single lot will be assigned a unit of benefit equal to the average of the units of benefit of the prior lots.
- A lot in tax forfeit status will be assigned a zero unit of benefit.
- Any other lot that is exempt from assessment under applicable law will be assigned a zero unit of benefit.
- For a project for which benefits within a class were assigned with multiple values, the reapportionment of benefits on lot subdivision or combination will be made according to the methodology originally used to determine benefits.
- A change in accordance with this paragraph will apply only to assessments after the initial project assessment, and only after the CRWD Board of Managers has affirmed the relevant change in lot status.

Standard 3: The procedure for benefit reapportionment is as follows:

- An owner of benefited property may at any time submit to the CRWD Administrator information supporting a change in lot status. The CRWD Administrator also may consider a change in lot status on the basis of information that comes to the CRWD's attention. The Administrator will make appropriate inquiry to determine whether the change in status is supported.
- If the Administrator has completed inquiry by the date of noticing for the project's operation, maintenance, repair or improvement assessment hearing, the hearing notice will state that the Board's consideration will include the adjustment of benefited property status.
- A determination of a change in property status will be made by the CRWD Board of Managers if it finds, in its judgment, that the Administrator has presented a rational basis to support that change. In ordering the assessment, the Board of Managers will make findings as to pending status adjustments and the assessment will reflect those adjustments.
- The Administrator will perform a full review of benefited properties for a given project in accordance with the schedule at Standard 1, above, and will include recommended adjustments in the notice, hearing and assessment process for the indicated year.