

Staff Report for 2023 State Board of Equalization

File No.: 2023-PEMBINA-SCHUSTER

Prepared By: Property Tax Division

County or City: Pembina County

Appellant: Bradley Schuster

Issue: Appeal of Agricultural Land Valuation

Summary: Mr. Bradley Schuster is appealing the valuation of parcels 08-0020000, 08-0030000, 08-0030010, 08-0040000, 08-0050000, 08-0130000, 08-0150000, 08-0150010, 08-0170000, 08-0190000, 08-0640000, 08-0670000, 08-0690000, 08-0700000, 08-0720000, 15-2250000, 15-2260000, 15-2260010, 15-2270000, 15-2280000, 15-2280010, 15-0480000, 15-0510000, 15-0540000, and 15-0550000 located in Pembina County.

Analysis:

Recommendation:



POSTMARK
JUL 27 2023

Appellant Information – State Board of Equalization

County or City: Pembina County
Appellant: Bradley Schuster
Type of Appeal: Agricultural

Please complete this form in its entirety. The information provided will be taken into consideration when investigating and reaching a conclusion regarding the appeal presented. To provide ample time for investigation, all information to support the appeal (property information, pictures, income information, etc.) must be received by August 1, 2023, and is subject to open records. Please provide one questionnaire per property.

Please email or mail any supporting documentation to:

propertytax@nd.gov

or

The Office of State Tax Commissioner, Attn: Property Tax,
600 E Boulevard Ave., Bismarck, ND 58505-0599

Information for Property Referenced in Appeal:

Address:
Township Name: Drayton
County: Pembina
Parcel ID: See attached information
Legal Description:

Appellant Contact Information:

Appellant Name: Bradley Schuster
Address: 15991 81st ST NE, Drayton, ND 58225
Phone Number: 701-520-0451
Email Address: bschus@polarcomm.com

Answer the questions below that apply to the appeal:

Are you the owner of the property of this appeal? ☒ Yes ☐ No
(If No, please see the Consent to Release Financial Info)

Did you receive a notice of increase letter from the city/township? (choose all that apply)

☒ Prior to ☐ After Township/City Equalization Meeting
☒ Prior to ☐ After County Equalization Meeting
☐ No Notification Received

At which meeting(s) did you appeal your assessment? (choose all that apply)

☒ Township/City ☒ County ☐ N/A

****Please note NDCC § 57-13-04.3(a)(1)(2) requires appellants to appeal to the State Board of Equalization must have applied to both local and county boards.***

Has a recent appraisal been completed on the property?

☐ Yes (if yes, please attach) ☒ No

What grounds is your appeal based upon? Please check all that apply and provide supporting documentation for each selection.

- ☐ Factual error, that is, a data collection or clerical error.
- ☒ Equity and uniformity claim of discriminatory level of assessment.
- ☒ Belief that the valuation is inaccurate.
- ☐ Exemption, classification, or assessment limitation.

Please attach or email () the following:

1. A detailed explanation of your appeal
2. Evidence to validate the assessment appealed
3. Consent to Release Financial Information, if required

Appeal Process:

- 1.) Appellant notifies the Property Tax Division of intent to appeal.
- 2.) Submit this form and all applicable documentation to propertytax@nd.gov by the date specified above.
- 3.) The State Board of Equalization meets on the second Tuesday in August to examine and compare the returns of the assessment of taxable property as submitted by North Dakota counties. This is locally assessed property. The board equalizes the property so that all assessments of similar taxable property are uniform and equal throughout the state. During this meeting, tax directors or other representatives from a county will speak, along with city representatives, and individual taxpayers.
- 4.) After the State Board meeting, your case will be assigned, and staff will reach out to schedule an onsite review of the property (when deemed applicable). While an interior inspection of the property is not required, interior reviews may affect the consideration of value. If denied an interior review, we will assess from the exterior only. Staff will not be allowed to enter the property without the owner or a representative present.
- 5.) Generally, by the first Thursday of October, the property tax division staff will present their findings to the State Board of Equalization with a recommendation. The board deliberates and votes. You can attend this meeting; however, public comments are not accepted.

600 E. BOULEVARD AVE., DEPT. 127
BISMARCK, ND 58505-0599

TAX.ND.GOV | TAXINFO@ND.GOV NORTH DAKOTA



Appellant Contact Information:

Bradley Schuster
Drayton Twp Supervisor
15991 81st St NE
Drayton ND 58225
701-520-0451
bschus@polarcomm.com

Randall Emanuelson
Drayton Twp Supervisor
15787 78th St NE
Drayton ND 58225
701-520-0043
Also Appealing for owned
land in Pembina County
listed by reference and by
parcel number within the
minutes of the Drayton Twp
Tax Equalization Meeting.

Please attach to following:

Detailed explanation of your appeal.

Drayton Township Tax Equalization Meeting took place on April 25th, 2023. A 30% flood modifier in valuation was voted on and approved on land within the flood plain of the Red River, based on the 2009 flood maps provided by the Pembina County Water Board and lidar. Each parcel was identified and marked on the cards by the soils committee. I am personally appealing those parcels owned by me (Bradley Schuster) and I am also representing those parcels referred to by reference within the Drayton Township Tax Equalization Minutes, as those parcels marked on the soils cards and turned into the Pembina County Tax Directors Office by the county soils committee, and also including those parcels called out and recited by parcel number within the minutes of the Drayton Township Tax Equalization Meeting Minutes, those minutes being hereto attached.

The Red River has flooded frequently in the past, including 5 times in the past 5 years (2 floods in 2019, spring and fall). No modifiers were approved for Pembina County which resulted in the land being over valued compared to other land with the same PI. In 2022 the spring flood was on the land for over 50 days. Also, some flood lands have field access roads which are unpassable and many are destroyed and not fixable for weeks even after the flood waters have receded.

Evidence to validate the assessment appealed:

See attached sheets:

Pembina County spreadsheet showing what a 30% flood modifier would decrease valuations on parcels affected by flooding .

Copy of Drayton Township Tax Equalization Meeting minutes.

Copy of Office of State Tax Commissioner letter, dated January 12, 2023, to the Tax Director of Pembina County. Showing six items not in compliance with NDCC. Item 2 shows no implementation of soils modifiers.

CHANGES IN TRUE AND FULL VALUE
USE ONE FORM FOR EACH ASSESSMENT DISTRICT - DO NOT REMIT TO STATE TAX DEPARTMENT
TOTALS FROM EACH DISTRICT ARE ADDED TO THE SUPPLEMENTARY ABSTRACT

ASSESSMENT DISTRICT _____

Drayton Twp Pg 1

FEBRUARY 1, 2022

TO

FEBRUARY 1, 2023

PARCEL NUMBER	AGRICULTURAL PROPERTY		RESIDENTIAL PROPERTY		COMMERCIAL PROPERTY		REASONS FOR CHANGE	
	INCREASE	DECREASE	INCREASE	DECREASE	INCREASE	DECREASE	1. Transfer from exempt property	2. Locally/State assessed
08-1110000							8. Split to 08-1110010	
08-1110010	110604	110604					4. Annex to 29-4230023 & delete	
08-1850000							5. Com to Ag w/ com land on SC	
08-0760010	93475	93475			1847		8. Value updated w/ rollover	
08-0760010	109673	93475			93475		5. Com to Ag w/ com land on SC	
08-0740000	93270	93270			93270		8. Value updated w/ rollover	
08-0740000	122554	93270					5. Com to Ag w/ com land on SC	
08-0710000	57165	57165			57165		8. Value updated w/ rollover	
08-0710000	43165	57165					8. Value updated w/ rollover	
08-0640000		79355					8. flood 30% discount	
08-0670000		76660					8. flood 30% discount	
08-0700000		16638					8. flood 30% discount	
08-0720000		18977					8. flood 30% discount	
80-730000		19732					8. flood 30% discount	
08-0740000	93270	27981			93270		8. flood 30% discount	
08-0750000		36237					8. already on soils card	
08-0880000		83856	6867				8. flood 30% discount	
08-1180000		48318					8. flood 30% discount	
08-1210000		8445					8. flood 30% discount	
08-1220020		70943					8. combine 08-1240010	
08-1230000	5842	52116					8. flood 30% discount	
08-1300000		6455					8. flood 30% discount	
08-1320000		27306					8. flood 30% discount	
08-1320005		39793					8. flood 30% discount	
08-1730000							8. flood 30% discount	
TOTALS	729018	967326	0	6867	0	339027	0	0

CHANGES IN TRUE AND FULL VALUE
USE ONE FORM FOR EACH ASSESSMENT DISTRICT - DO NOT REMIT TO STATE TAX DEPARTMENT
TOTALS FROM EACH DISTRICT ARE ADDED TO THE SUPPLEMENTARY ABSTRACT

ASSESSMENT DISTRICT _____ Drayton Twp Pg 2 _____ FEBRUARY 1, 2022 TO FEBRUARY 1, 2023

PARCEL NUMBER	AGRICULTURAL PROPERTY		RESIDENTIAL PROPERTY		COMMERCIAL PROPERTY		REASONS FOR CHANGE	
	INCREASE	DECREASE	LOTS, TRACTS AND LEASED SITES	BUILDINGS AND STRUCTURES	LOTS, TRACTS AND LEASED SITES	BUILDINGS AND STRUCTURES	1. Taxation/non-taxable 2. Locally /State assessed 3. New const./Demolition 4. Annexation 5. Change in classification 6. New const./ Demolition of exempt prop. 7. Annexation of exempt property 8. Other	
08-1750000		77459					8. Flood 30% discount	
08-0010000		2020					8. Flood 30% discount	
08-0020000		5728					8. Flood 30% discount	
08-0030000		40004					8. Flood 30% discount	
08-0030010		35239					8. Flood 30% discount	
08-0040000		5934					8. Flood 30% discount	
08-0050000		57771					8. Flood 30% discount	
08-0060000		27					8. Flood 30% discount	
08-0080000		4830					8. Flood 30% discount	
08-0090000		1133					8. Flood 30% discount	
08-0100000		1342					8. Flood 30% discount	
08-0110000		661					8. Flood 30% discount	
08-0110010		54					8. Flood 30% discount	
08-0120000		1772					8. Flood 30% discount	
08-0130000		79453					8. Flood 30% discount	
08-0140000		82191					8. Flood 30% discount	
08-0150000		38648					8. Flood 30% discount	
08-0150010		33682					8. Flood 30% discount	
08-0160000		79043					8. Flood 30% discount	
08-0170000		45847					8. Flood 30% discount	
08-0180000		45298					8. Flood 30% discount	
08-0180005		1434					8. Flood 30% discount	
08-0180010		3063					8. Flood 30% discount	
08--0180015		1321					8. Flood 30% discount	
08-0190000		68766					8. Flood 30% discount	
08-0190020						4631	8.revalue	
08-0200000		61940					8. Flood 30% discount	
TOTALS	0	774660	0	0	0	4631	0	

CHANGES IN TRUE AND FULL VALUE
USE ONE FORM FOR EACH ASSESSMENT DISTRICT - DO NOT REMIT TO STATE TAX DEPARTMENT
TOTALS FROM EACH DISTRICT ARE ADDED TO THE SUPPLEMENTARY ABSTRACT

ASSESSMENT DISTRICT _____ Dayton Twp Pg 3 FEBRUARY 1, 2022 TO FEBRUARY 1, 2023

PARCEL NUMBER	AGRICULTURAL PROPERTY		RESIDENTIAL PROPERTY		COMMERCIAL PROPERTY				REASONS FOR CHANGE	
	INCREASE	DECREASE	INCREASE	DECREASE	INCREASE	DECREASE	INCREASE	DECREASE		
08-0540010									1. Taxation/Exemption	
08-0560015					3226				2. Locally /State assessed	
08-0660000		66503			2073				3. New const./Demolition	
08-0680000		67052							4. Annexation	
08-0710000	57165								5. Change in classification	
08-0850000		69873							6. New const./Demolition of exempt prop.	
08-0870000		34590							7. Annexation of exempt property	
08-0870010		34616							8. Other	
08-1220000		52625							8. revalue	
08-1220010		8244							8. Flood 30% discount	
08-1240010									8. Flood 30% discount	
08-1250010									8. Flood 30% discount	
08-1420010	1832								5. change in classification	
08-1420020		1832							8. Flood 30% discount	
08-1440000		22875							8. Flood 30% discount	
08-1720010									8. combine with 08-12300000	
08-1730010		36369			3160				5. reclass	
08-1820000		59659							8. combine from 08-1420020	
08-1870000		24279							8. combine with 08-1240010	
08-1870005		25419							8. Flood 30% discount	
08-1870010		67							8. Flood 30% discount	
08-1880000		51683							8. Flood 30% discount	
08-189000		41139							8. Flood 30% discount	
08-1890010		24732							8. Flood 30% discount	
									8. revalue	
TOTALS	58997	621557	0	0	8459	87903	0	63007	92534	0

2023

COPY

Record of Proceedings of the Township Board of Equalization DRAYTON Township, Pembina County, North Dakota

TOWNSHIP BOARD OF EQUALIZATION Duties, Complaints and Grievances (North Dakota Century Code—Chapter 57-09)

57-09-01. Membership of board - Meeting. The township board of equalization consists of the members of the board of supervisors of each township, and the clerk shall act as clerk of said board. The board shall meet on the second Monday in April in each year at the usual place of meeting of the township board of supervisors.

57-09-02. Duties of clerk. The clerk shall keep an accurate record of the proceedings of the board of equalization, showing the facts and evidence upon which its action is based, a copy of which must be furnished to the assessor and filed by the assessor with the county auditor as part of the assessment returns.

57-09-03. Duties of board. The township board of equalization shall ascertain whether all taxable property in its township has been properly placed upon the assessment list and duly valued by the assessor. In case any real property has been omitted by inadvertence or otherwise, the board shall place the same upon the list with the true value thereof. The board shall proceed to correct the assessment so that

each tract or lot of real property is entered on the assessment list at the true value thereof. The assessment of the property of any person may not be raised until such person has been notified of the intent of the board to raise the same. All complaints and grievances of residents of the township must be heard and decided by the board and it may make corrections as appear to be just. Complaints by nonresidents with reference to the assessment of any real property and complaints by others with reference to any assessment made after the meeting of the township board of equalization must be heard and determined by the county board of equalization.

57-09-05. Quorum - Time for completing equalization. Any two members of a three-member board of equalization and any three members of a five-member board of equalization are authorized to act at the meeting of the board and they may adjourn from day to day, but the equalization must be completed within ten days.

**PROCEEDINGS
OF DRAYTON Township
BOARD OF EQUALIZATION**

The Board of Equalization met at 9 o'clock AM at the Drayton Sugar Bowl Senior Center

The meeting was called to order at 9:00am by supervisor Randall Emanuelson, those present were Deputy Clerk Treasurer Michael Emanuelson, Supervisor Tyler McFarland, and Assessor Casey Krieg. No other persons attended.

There was discussion on valuations of ag land and specifically land near to, and adjacent to the Red River. There was a motion by Tyler McFarland to adopt the flood land modifier that was approved at the Drayton Township annual meeting held March 21, 2023. The motion was seconded by Randall Emanuelson, motion carried.

The full motion from the annual meeting and it's reading is attached hereto as follows;

Bradley Schuster made a motion to adopt and approve a 30% flood modifier on all parcels marked Flood in the 2021/2022 soils card book turned into Pembina County Tax Directors Office by soils committee. Using the 2009 flood levels and shape file provided by the Civil Air Patrol and Pembina County Water Board. This modifier is to be used starting with the 2023 ag land values and going forward. This modifier takes into regard that there is a lot of land that floods and there are areas with substantial salinity. Randall Emanuelson seconded; Motion passed

There was continued discussion regarding flooded lands and it was determined after review with Casey Krieg, Drayton Township assessor, and from our historical information, that some parcels were missed in the determination of flooded lands. The lands that should be added to the flooded lands listing are as follows; Parcel Numbers 08-0010000, 08-0020000, 08-0030000, 08-0030010, 08-0040000, 08-0050000, 08-0060000, 08-0070000, 08-0080000, 08- 0090000, 08-0100000, 08-0110000, 08-0110010, 08-0120000, 08-0130000, 08-0140000, 08-0150000, 08-0150010, 08-0160000, 08-0170000, 08-0180000, 08-0180005, 08-0180010, 08-0180015, 08-0190000, 08-0190010, 08-0200000, 08-0660000, 08-0680000, 08-0690000, 08-0750010, 08-0760000, 08-0760010, 08-0850000, 08-0870000, 08-0870010, 08-1220000, 08-1220010, 08-1440000, 08-1870005, 08-1880000, 08-1890000, 08-1890010.

There was some additional discussion about farmstead exempt status for farmers and retired farmers. It was suggested that we as farmers contact our legislators and lobby for a 3-year exemption program rather than the current annual exemption form being required as it is now. The reasoning is because of the excessive workload that the annual exemption filing creates for the local office staff in implementing the current exemption program.

There being no further business or discussion a motion was made by Randall Emanuelson to adjourn the meeting, second by Tyler McFarland, motion carried. Meeting adjourned at 10:13 am.

*I hereby certify that the foregoing is a correct transcript of the proceedings of the City Board of
Equalization of DRAYTON Township, Pembina County, North Dakota.*

In Testimony Whereof, I hereunto set my hand this 25th day of April, 2023 .

Township Clerk

Exhibit A:



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
BRIAN KROSHIN, COMMISSIONER

January 12, 2023
RE: 2022 Agricultural Land Review
Not In Compliance

MIKKA WILLITS
301 DAKOTA ST W #4
CAVALIER, ND 58220-4100

Dear Mikka,

This letter is to inform you of the findings from the Pembina County Agricultural Land Review. It was found that Pembina County is not compliant with North Dakota Century Code (N.D.C.C.) §57-02-27.2(8).

Through this annual review process, the Property Tax Division has the opportunity to assist the Pembina County Tax Equalization Office. The goal is to address discrepancies and errors in information to ensure the accurate assessment of properties. Please see the itemized discrepancies and errors listed below:

1. **True and Full Value.** The listed True and Full Value for taxation purposes is not based on soil type and soil classification data from a detailed or general soil survey as provided in N.D.C.C.
2. **Implementation of soil modifiers.** It was found that soil modifiers are not being applied to parcels in accordance with what was approved by the State Supervisor of Assessments as provided in N.D.C.C.
3. **Incorrectly measured land use.** It was found that "Land Use" listed on individual parcels is not accurate with actual information according to aerial imagery.
4. **Incorrect legal descriptions.** It was found that there are parcels with incorrect legal descriptions.
5. **Arbitrary increases in value.** It was found that value on parcels changes during the sale of property, not in accordance with soil type and soil classification from a detailed or general survey.
6. **Inequity created due to "Land Use" classifications.** It was found that inequity has been created from inequitable and arbitrary value placed on different "Land Use".

Each of these six (6) findings needs to be addressed and corrected as quickly as feasible. Please respond to this letter no later than March 17, 2023 with the steps Pembina County plans to take to correct the listed findings and the timeline in which you plan to correct them.

North Dakota Century Code §57-02-27.2(10) requires that state funding be withheld from a county until such time that the county meets the requirements set forth in century code.

I understand that gathering and supplying all the required materials can be time consuming, and I appreciate your effort and diligence with this. The Property Tax Division looks forward to working with you to correct the above findings.

Melanie Aeschliman

State Supervisor of Assessments &
Property Tax Division Director
NORTH DAKOTA OFFICE OF STATE TAX COMMISSIONER
P: 701-328-3143 | tax.nd.gov

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