

Ordinance 22-002

AN ORDINANCE AUTHORIZING THE CLASSIFICATION OF LAND IN THOMPSON AS OPEN SPACE UNDER SECTION 12-107e OF THE CONNECTICUT GENERAL STATUTES

I. Purpose and Intent

- A. Purpose: The purpose of this Ordinance is to establish the criteria and the process by which certain lands in the Town of Thompson (hereafter The Town) may be classified as Open Space for the purposes of property taxation, specifically in accordance with Section 12-107e of the Connecticut General Statutes.
- B. Intent: The Town finds it in the public interest to encourage the preservation of Open Space lands, to conserve natural resources, and to provide for the welfare and happiness of its residents. To that end, the Town adopts this Ordinance in order to reduce the financial pressure to sell land and to incentivize the preservation of Open Space within the Town of Thompson.

II. DEFINITIONS

For the purposes of this Ordinance, certain terms and words are defined as follows. Unless the context clearly requires otherwise, all words, terms and phrases used herein but not otherwise defined shall have the meanings respectively ascribed to them in Section 12-107b of the Connecticut General Statutes, as amended.

Application means the form M-30, entitled "Application to the Assessor for Classification of Land as Open Space Land", prescribed by the Commissioner of the Department of Agriculture of the State of Connecticut. The form is available at the Assessor's Office of the Town.

Assessor means the Assessor for the Town of Thompson.

Building means any permanently affixed structure having a roof and intended for shelter, housing or enclosure of persons, animals or materials.

Development

- A. Means any persistent man-made change to the land including, but not limited to:
 - 1. The construction of buildings, structures, fences over 6 feet in height or mortared stone walls;
 - 2. The construction of permanent infrastructure related to public or private utilities; fuel storage; septic fields and reserve areas; solar- or wind-power

- arrays; cell phone towers or their appurtenant structures; drainage; or roadwork;
- 3. Swimming pools, tennis courts, basketball courts or similarly altered recreation facilities;
- 4. Mining, dredging, clear-cutting, filling, grading, paving, excavation or drilling.
- B. For the purposes of this Ordinance, the following shall not be considered development
 - 1. The tilling of soil as part of agricultural or horticultural use;
 - 2. The presence of dry-stacked fieldstone walls, rustic burial grounds or other historically significant features;
 - 3. Selective harvesting of timber, management of invasive species or other management for conservation purposes, such as for fields, meadows or ponds;
 - 4. The presence of dams or other measures installed for flood control purposes by Federal, State, or Local governments;
 - 5. Maintenance of unpaved roads or trails to facilitate these purposes

Natural State means any land for which there has been no change in the use of such area which has adversely affected its essential character as an area of open space.

Open Space as defined in Chapter 203 Section 12-107b of the Connecticut General Statutes, means any unbuilt and undeveloped area of land, substantially in its natural state, including forest land and land designated as wetland under section 22a-30, and not excluding farmland.

Plan of Conservation and Development (PoCD) means a guidance document for land use and development priorities, prepared and adopted by the Town every ten years pursuant to Section 8-23 of the Connecticut General Statutes.

Structure means anything that is constructed, installed or erected on the land, the use of which requires permanent attachment to ground or water areas.

Unbuilt means a parcel or area of land which contains no building or buildings, as defined in Section II Definitions - Building.

Undeveloped means a parcel or area of land which includes no areas meeting the definition of development, as defined in Section II Definitions - Development.

III. Designation of Eligible Open Space Areas in Thompson

In accordance with the requirements of Chapter 203 Section 12-107e of the Connecticut General Statutes – Classification of Land as Open Space Land, the Planning & Zoning Commission (PZC) of the Town has amended its Plan of

Conservation and Development to designate land in all zoning districts of Thompson as eligible for consideration as Open Space land, with an amendment date of 18 May 2022.

IV. Qualification Criteria

For the purpose of open space land value assessment, and pursuant to the provisions of Section 12-107e of the Connecticut General Statutes, as amended, and as described above in Section III of this Ordinance, land in all districts of Thompson is eligible for the Open Space classification. Upon the submission of the completed Application by the property owner, the Assessor shall grant the Open Space Classification if the following criteria are met:

- A. The subject parcel shall be an area of not less than 3 acres of unbuilt and undeveloped land.
- B. In cases where the subject parcel includes portions which are built or developed, the 3-acre minimum shall be land in excess of any portion containing such built or developed areas. That portion shall be calculated, at a minimum, as the area of a single building lot within that zoning district.
- C. In cases where the built or developed portions of the subject parcel are greater than the area of a single building lot, the area excluded from the open space calculation shall not exceed the actual square footage of the developed portion.
- D. Contiguous parcels on unbuilt and undeveloped land having the same title owner may be aggregated for the purpose of determining the area eligible for Open Space Classification. Parcels which are intersected by a Town or State road shall be considered contiguous parcels of land for the purposes of Open Space Classification.
- E. Land which had previously been ineligible for Open Space classification due to its developed state, but which has been reclaimed may be eligible for consideration as Open Space, if it is demonstrated that the parcel has been returned to a condition meeting the definitions of unbuilt and undeveloped.
- F. Land set aside under the open space requirements for a Subdivision or a Conservation Subdivision shall not be eligible for Open Space Classification pursuant to CGS 12-107e. Such land is to be preserved permanently as Open Space, as described in the Subdivision Regulations of the Town of Thompson.
- G. Land set aside through permanent use restriction as open space or conservation land, whether through easement or any other permanently recorded restriction, shall not be eligible for Open Space Classification pursuant to CGS 12-107e. In such cases, the terms of the recorded use restriction shall apply in perpetuity.

V. Application Process

Any individual wishing to apply for the Open Space Classification shall confer with the Assessor. The procedure to follow shall be as provided in Section 12-107e, (b) and (c) of the Connecticut General Statutes, as amended.

VI. Valuation

Any land that receives Open Space Classification shall have an assessed value set by the State of Connecticut, Office of Policy and Management, PA490 State-Wide Recommended Land Use Values set at the time of revaluation.

VII. Appeals

The right to appeal a denial of the application for the Open Space classification by the Assessor shall be as set forth in Section 12-107e, (d) of the Connecticut General Statutes, as amended.

VIII. Conveyance Tax on Sale, Transfer or Change of Use of Land Classified as Open Space

The process by which tax shall be levied upon the sale, transfer or change of land use of a parcel classified as Open Space shall conform to the provisions of Section 12-504a-c, and Section 12-504e of the Connecticut General Statutes, as amended.