



**NORTH DAKOTA
PLANNING ASSOCIATION**
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February 3, 2025
Committee Hearing: SB2356
Industry and Business

Senator Barta and Committee Members:

The North Dakota Planning Association respectfully requests a decision of DO NOT PASS on Senate Bill 2356.

The impacts of this bill are not clear. Typically, the platting process is required in order to split land and record a deed selling a portion of the split land. This bill seems to imply that a recorder may not reject a deed based on requirements in NDCC57-02-39, which allows for a county auditor to state that a plat must be produced in order to record an “irregularly shaped lot”. This section is not the section of the century code which requires and regulates platting, but it is a tool that jurisdictional planners utilize in order to ensure orderly development. This bill appears to put the recorder in a position to have to judge whether a deed has been properly platted under a certain section of the century code, which is beyond their scope, and would cause confusion.

If a recorder may not reject a deed based on those requirements laid out in 57-02-39, is it clear that that they will need to reject the deed based on NDCC 40-50.01 if it is not properly surveyed and platted? We don’t believe that it is.

There are good reasons that platting is required before splitting lots, particularly those within City limits. Burleigh, Morton and Williams Counties have all encountered problems with lots that were split without a subdivision. Lots sold by deed without platting can end up without any legal access or without the ability to be serviced by utilities. Planners in our association have had to work with property owners who bought a lot that was described as “the west 30 feet of Lot 1” or “the north half of Lot 2”, etc. which were not properly subdivided and recorded, leaving a sub-standard lot with no ability for building. In other cases, lots have been split by deed and ended up too small for a septic system in an area where there is no sewer. Proper subdivision and platting regulations forbear this issue, though we recognize that the process is not always convenient or quick.

In this instance, we respectfully urge a DO NOT PASS on Senate Bill 2356 as the impacts of it are unclear.

Thank you,

North Dakota Planning Association Board
Rachel Laqua, President