

Chairman Luick, and members of the Senate Ag Committee

I am Lee Fraase from Buffalo, ND. I Farm in Howe's Township and Buffalo Township. I am retired from our family farm raising farrow to finish hogs and also we ran a cow-calf operation. I'm not against animal agriculture if it's done right.

Everyone talks about all the feed we have in ND, but no one talks about the availability of marketing for the livestock.

I'm in favor of HB 1423 with amendments added:

I think it's a positive step by creating a task force that will update the model zoning in the state which hasn't been done since 2000.

The other positive was removing the Compelling Objective Evidence.

I propose to amend 1423 by adding a sunset clause that reinstates counties and townships right to the 50% setback variance until 2025 when the task force will have its new model zoning in place.

Also I propose to amend to request the task force meetings over the next two years are not held behind closed doors, rather they are open to the public. Open to the public to attend and observe. As we know doing things secretly can cause many hardships, so let's get it out in the open.

My final concern is in Section 1, page 5, lines 7-9. In other words, winners get paid by losers. That can be dangerous. Why did this get added? This issue requires additional discussion.

What I do object to in this version is located twice, I understand one for counties and the other for townships. It's the same wording found in Section 1, page 3, lines 24-26. And also Section 3, page 8, lines 24-26.

This takes away the 50% setback variance of our counties and townships. By not having the option to implement the setback variance takes away our local control. There are places where that needs to be used and who knows the local area better than the people who live there.

The continuing trend in Bismarck has been to take away county and township authority and let the decisions be made in Bismarck without the concerns of the local people. The obvious trend began in 2019, when SB 2345 was passed that added compelling objective evidence to justify the variance. It's good now that the compelling objective evidence is being removed but they are also taking away the setback variance. In many testimonies, we continue to hear about the 4 townships that were out of compliance. Well on January 11, 2023, the District Judge ruled in favor of Pelican Township, near Devils Lake, in Ramsey County. Their evidence ruled that they were not out of compliance. NDFB lost that court case so it's not accurate when the ND Ag Dept. and NDFB continues to say 4 townships are out of compliance. Also a producer that requested a review of Buffalo Township, which the Ag. Dept. responded by saying the compelling objective evidence was not specific enough. The producer did not farm land in Buffalo Township when the request was made. So one township has the ruling in court that the compelling objective evidence was specific and in the other township, the Ag Dept. didn't follow SB 2345 guidelines because no producer in the township was affected.

So far that's 2 out of 4. And I'll stop there.

In closing, as I stated earlier, progress has been made, I strongly encourage you to amend and add the sunset variance clause, the task force meetings to include the public, and the reopening discussion on attorneys fee responsibility. This will help maintain local control for the people of the state.

Thank You

Lee Fraase

And I stand for any questions.