

Testimony in Opposition to House Bill 1500
February 7, 2021
House Political Subdivisions Committee
Bill Wocken on behalf of the North Dakota League of Cities

Good morning, Mr. Chairman and members of the House Political Subdivisions Committee. For the record, my name is Bill Wocken and I am testifying in opposition to House Bill 1500 on behalf of the North Dakota League of Cities.

House Bill 1500 deals with legal non-conforming uses. This concept comes from the zoning ordinance. It describes an improved lot that does not comply with all the provisions of the current zoning ordinance for that lot. Over time zoning designations and building regulations change. The structures and land uses that exist at the time the changes become effective are not required to be changed but instead are “grandfathered in” and are called non-conforming uses.

The North Dakota League of Cities is opposed to this bill. We are not going to discuss the concept of nonconforming uses in detail. Our professional planner partners can do that. The League of Cities is opposed to any mandate from the state or federal government that restricts decisions and options available to local government and its citizens.

There are very few times in a year when the mechanism mandated in this bill might be needed. Most of these situations are resolved satisfactorily by local government with the use of variances, ordinance changes, meetings with financial institutions and developer agreements. These are local issues being handled by local personnel on an individual basis. We do not feel there is a need for this bill.

We respectfully request a Do Not Pass recommendation on House Bill 1500. Let local government handle these situations.