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RE: Opposition to SB2208

TO: Senate Energy and Natural Resources Committee

Mr. Chairman and members of the committee,

My name is Charlie Sorenson, a farmer, landowner, and mineral owner from Ross, ND. I come today with 2 years of first hand energy industry experience as a roughneck, 10 years on my county planning and zoning board, 12 years on my township board, and 32 years of farming experience.

SB2208 is an unprecedented removal of local control and must be denied. I urge all of you to forward this bill to the senate floor with a DO NOT PASS recommendation. This bill is riddled with multiple problems, which cannot be improved by any changes or amendments.

In my high school government class, I learned that the foundation of all laws centers on the notion that "Your rights end where someone else's begin." In North Dakota, we have the right to zone and defend property rights and existing uses of property. SB 2208 is an attempt to squash these rights contrary to the fundamental foundation of law while dismantling the legal framework used to shape our local communities and our great state.

This bill is filled under the improper chapter of century code. As it essentially takes zoning authority away, it should be filed under chapters 11, 40, and 58 dealing with county, city, and township zoning.

This bill reeks of ambiguity. "Energy infrastructure project" is not defined in this chapter. The words "interfere" and "conflict" are not backed by any description of what constitutes these words. This lack of definition would only result in unneeded legal costs for cities, townships, counties, and even the state as a court attempts to define them.

Assuming that "interfere" and "conflict" could also mean restrict, we have a real problem. All areas zoned in North Dakota restrict. Every zoning district has some sort of restriction or restrictions associated with it. A setback is an example of a restriction. This leads me to



conclude that this bill takes funding from any zoned area in North Dakota that has new state approved energy infrastructure. It effectively ends zoning in North Dakota and coerces communities to accept the energy infrastructure without regards to their needs, wishes, and special circumstances.

SB 2208 is unreasonable, lacks a rational basis, and is not supported by evidence. Cities, townships, and counties have local codes, laws, rules, and guidelines and have had enforced these for years. Removing funds collected from energy taxes because of a zoning restriction is simply unjust. Imagine if 2208 stated, "No city, township, or county shall receive grant funding if they enforce speeding laws upon any member of the ND Senate." Most would agree this is ridiculous. For similar reasons, ND SB2208 is ridiculous.

I live between the cities of Watford City, Williston, and Minot. When I cannot find items needed for my farm in these towns, I'm forced to look elsewhere. When I cannot find items in the state or in the nation I continue looking. Because I can't find certain goods does not mean I do without them, it just means I need to look in other places. I've had to source both farm labor and some machinery in other countries, as I can't find these locally. I never considered asking the North Dakota Legislative Assembly to pass a bill forcing my local area to provide my farm items, it's simply un-American and unnecessary. Yet SB2208 is attempting to do just that, legislatively forcing a local area to provide something not available, unrestricted zoning. Any industry is free to conduct their business in any other parts of the state, nation, or world if they are unwilling to comply with local zoning.

I have the privilege of being part of an estimated 1500 hearings as a member of my county's planning and zoning board. I can only think of 4 hearings that were denied. We strive to follow our Land Development Code. This code conforms to our Comprehensive Plan. The Comprehensive Plan is created publicly by residents, industry representatives, and any other entities wishing to participate. After being part of all the meetings that helped to craft our Comprehensive Plan, I do not remember seeing any State of North Dakota representation at any of the meetings. In my zoning experience, we have worked to approve all projects upon complying with our Land Development Code and have approved over 99% of all applications. SB 2208 is an attempt to override our properly created local rules and above all is unnecessary.

ND SB2208 must be denied. This bill is poorly written, filled with ambiguity, is simply unreasonable and irrational, it's unnecessary, and overrides local rules and codes. Passage of this bill would be a shameless and cheap blow below the belt to local entities and the hundreds of North Dakotans working in planning and zoning. Forward SB2208 with a DO NOT PASS recommendation.

Sincerely,



Charlie Sorenson