

Good afternoon Chairman Kaldor and members of the Commission.

I am Larry Syverson a farmer from Mayville; I am the Chairman of Roseville Township of Traill County. I am also a District Director of the North Dakota Township Officers Association. NDTOA represents the six thousand township officers that serve our eleven hundred forty one dues paying member townships. Those officers are the elected administrators of their communities. Their constituents hold the power of the electorate over those that make and enforce rules for them.

The township residents that live within the ETZ of a city have no electoral power over those that regulate the property use of their homesteads, in many cases these properties have been in the family for decades or generations and now some board in a nearby town will tell them that they can not put up a garage on their property or add on to the old farm home.

The areas around cities are almost without exception under township or county zoning which is administered by a board elected by the population regulated, not by a town that might be four miles away.

Now it may pose a problem for those bureaucrats in the cities charged with planning expansion to not have control over the situation but that is the nature of a democracy, it can be downright unhandy, but that is the form of government that American citizens have a right to expect. Anything else is some degree of tyranny.

There is some opportunity to be represented on the zoning commission, but that is merely an advisory board that makes a recommendation to the city commission which makes the actual decision. This I suppose is a bit better than going hat-in-hand to beg the case before the King of England, but it certainly is not a very good application of democracy.

It might be one thing to be in an area that a city is actually growing into, but ET zoning has been used by "cities" that are not growing and very few of them grow in 360 degrees. The four townships that touch the city of Mayville have been zoned for years, each developing within their own comprehensive plans. The city exercised the expanded one-mile extra territorial authority, citing a need "to make sure no feedlots are developed next to town", of course such development was already restricted by township zoning as well. We were told this would have no impact on the townships, I pointed out that for one thing if city zoning, having no experience with dealing with problems in open country, were to issue building permits that did not maintain township set back requirements, they would create snow hazards on the roads that could be an extreme burden on the townships. My objection was noted and assurances made that the township setbacks would most likely be used by city zoning.

This past year the real purpose behind the extension by Mayville became evident when construction was started on their new sewage lagoon, placed within a few hundred feet of an occupied home in Mayville Township. The city wished to circumvent the zoning control of the township and impose their tyranny on the smaller community and the unfortunate resident of that home.

The democratic way of handling the provision for future growth would be for the city to identify areas of future expansion and advise the local authorities of those areas of what is needed to fit in to that future plan and provide the expertise as needed to enable the residents to so develop as it would be in their own future best interest.

If the cities of Minnesota, some with populations greater than all of North Dakota, can exist and prepare for orderly growth within a maximum ETZ of 2 miles; why does a North Dakota city need four miles?

At our 2005 annual convention the members passed a resolution calling for the roll back of the extra territorial zoning authority that had been given to the cities.

Chairman Kaldor and Commission Members, that concludes my prepared statement.

I ask you to reinforce democracy, please reign in extraterritorial zoning; I will try to answer your questions.