

To the Advisory Committee on Intergovernmental Affairs

Chairman Rep. Lee Kaldor

Dear committee members:

My name is Warren Solberg and I reside on a farm 1 ½ miles south of Wild Rice, which is located in southeast North Dakota to the south of Fargo. I have continued to live and farm on the same land homesteaded by my great-grandfather. I have served on the Stanley Township Board as supervisor and continue to keep informed on issues that affect my township, community, and lifestyle. It is very clear that in the past few years the issues of annexation of land by neighboring cities and subsequent extraterritorial zoning has negatively impacted our community.

The cities of Horace and Fargo have been fighting over land in Stanley township for many years. The recent annexations by the cities of Horace and Fargo have severed our township into three parcels. The majority of the annexed land has remained unimproved since being incorporated into the cities. The fate of those residing in developments of 2 sections in the northwest corner of Stanley Township has yet to be determined. These tracts of land represent over 20% of the valuation of the township. The residents have been forced to hire a lawyer to protect their rights from forced annexation. This is no way to treat future residents of a city. A moratorium on the annexation of land is necessary until this problem is addressed by the legislature.

One of the most important tenets of a Democracy is one person one vote. When it pertains to zoning in the extraterritorial area of townships, the township has all the people and no vote. This is unjust and needs to be stopped. There are several legislative changes that need to be made in order to correct this imbalance in rural areas.

For one, zoning regulation needs to be returned entirely to the townships. Control of zoning in rural areas by a city is wrong at four miles, four feet, or even four inches. As a solution, townships surrounding cities can enact a joint powers agreement that combine all aspects of zoning including ordinances, administration, building inspections, flood plain management and all other related functions. This will ensure uniformity in development. Zoning officials from the cities could and should have input into decisions that are made, but no vote! A consolidation of township zoning administrators and building inspectors should help in reducing

costs and improving efficiency in the community. The individuals hired to perform the duties in the former ET could be officials from the adjoining city. The townships that cannot or are unable to administer or form a union with other townships to the standards set by the agreeing townships should then have the vacated ET zone administered by the County who would then join the joint powers group. The county planning office should be involved to coordinate and produce a seamless transition.

Secondly, no tract of land should be annexed into a city unless its infrastructure needs are greater than what the township can provide. Where two or more cities are involved, future boundaries need to be identified before any land can be annexed. This will ensure that land will not be annexed away from cities. It will restore stability to the township and will assure residents in developments presently under the threat of annexation that they can remain part of the township until choosing a city. When the land around an unincorporated development is annexed into a city, a time clock should start for future incorporation of this development. This time clock should measure in years--not months. Hopefully these actions can be approved by the legislature so that normalcy can return to the townships.

All the recent legislation concerning ET zoning reminds me of a circumstance that I witnessed some years ago. Over several years, a farmer repeatedly was ordering sprockets to speed up his grain auger and to unload his trucks quicker. I talked to the parts man after this farmer's dilemma was resolved. When the parts man realized what the farmer was trying to accomplish, he included an original set of sprockets with the faster ones the farmer had ordered but instructed the farmer to try the original sprockets before installing the faster set. The farmer complied and was amazed at how quickly the truck unloaded. The farmer had never realized how grain unloading had gotten slower and had forgotten how efficient the auger ran with the original sprockets. Like the farmer, it is time to go back to the original intent of law and give power back to the townships. The future of rural residents and our way of living are depending on it!

Sincerely, Warren L. Solberg
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