

Support of SB2317

Senate State and Local Government Committee

February 6, 2025

Good morning, Madam Chairman Roers and Committee members.

I am Larry Syverson from Mayville. I grow soybeans on my farm in Traill County. I am the Chairman of the Board of Supervisors for Roseville Township in Traill County and the Executive Director of the North Dakota Township Officers Association. NDTOA represents 6,000 Township Officers serving more than 1,400 dues-paying member townships.

A couple of random facts about zoning in North Dakota.

In 1922, North Dakota approved the Standard Enabling Act, which allowed zoning ordinances in cities with a population over 6,000.

In 1924, Bismarck became one of 62 cities in the United States to pass a zoning ordinance.

Zoning first came to rural North Dakota in about the 1970s. The primary responsibility for zoning was given to the townships as the townships are closest to the people and to the properties that are involved and subject to the controls. If the township declined or failed to enact zoning, the duty fell to the county.

In those early days of local control, some townships did not see value in regulating land use or were actually hostile to the idea of government control over what someone could do on their property, for whatever reason, they either ignored the requirement or gave up the authority to the county. In many cases, it was a matter of not needing zoning control in a township when it is a six-mile by six-mile area of farms.

But, times have changed; a neighboring metro area may be growing, and developments are starting to happen in the township. Or a project is proposed in the township, and now the residents find that the county controls do not match their values.

In the 2015 session, SB 2024, "Restoration of township or city zoning authority previously relinquished to the county." If a township gave up its zoning authority without a joint powers agreement or never enacted its authority, and thus authority defaulted to the county, an Attorney General's opinion said the county could not even give the authority back to the township if it wanted to. This bill provided for the restoration of zoning authority through an

agreement between the county and township. SB2024 passed the Senate 46–0–1, and the House 85 – 0 – 9. This was enacted in 54-40.5-04 with the added language to that statute.

“A township or city that unilaterally transferred its zoning authority to the county may reacquire that zoning authority by mutual agreement between the board of county commissioners and the board of township supervisors or city governing body.”

The amendment to 54-40.5-04 was sufficient for some townships to recover their local zoning control. In other cases, the counties have been resistant to returning control to what was initially intended, with townships having primary zoning authority. That is the reason we are here today with SB2317, which allows townships to regain local control by following specific required steps. Those steps are:

- A. Board of township supervisors passes a written resolution supporting a return to township zoning;
- B. At the next annual meeting or at a special meeting, holds an election and the majority of qualified electors vote in favor of a return to township zoning;
(The notice of an annual or special meeting of the township must be published at least ten days in advance of the meeting, the notice of a special meeting of the township must state any business that will be conducted at that meeting. All qualified electors (16.1-01-04) of the township are entitled to vote at these meetings.)
- C. Adopts a zoning ordinance;
(This process requires public notices and meetings)
- D. Appoints a zoning administrator.
(The final step, the township is ready to regain local control)

In reviewing the bill as I wrote this testimony, I noted that one very important step was not included in this process: a new item, “C” is needed, and that is to develop a comprehensive plan for the township. That is the very basis for zoning. It is so important and might be assumed to be included when one thinks of zoning, but it really needs to be written into the process. I am requesting and would support an amendment to add “Adopts a comprehensive plan for the township; and” as item C and renumber the rest of the list accordingly.

The completion of these steps is proof that the township has the commitment needed to assume the responsibility of zoning control for itself, as the legislature initially intended some 50 years ago.

We have frequent discussions about zoning control within our association, often township officers make statements that it would be easier to let the county do it. I always

emphatically state that townships need to keep local control. Once the county is given the authority and sets up the office to administer it, the county will defend that bureaucracy and will resist giving the authority back.

To contrast that scenario, I attended a meeting back home in Traill County on Tuesday this week. The Traill County Commission is investing ARPA funds to help the townships update their comprehensive plans and zoning ordinances. Traill County, like most counties in the eastern part of the state, is totally under township zoning; the commission there appreciates the work that is done by the townships exercising local control. That is supporting local control not supplanting it.

Township zoning has the most local control, and that is where it belongs. Please give SB2317 your favorable recommendation to return zoning control to local control when the township's residents have gone through the prescribed steps and have proven their commitment to administering it by their vote of affirmation.

Madam Chairman Roers and Committee members, thank you for this opportunity to testify this morning. This concludes my prepared statement. I will try to answer any questions that you might have.