

2025 SENATE STATE AND LOCAL GOVERNMENT

SB 2317

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2317
2/6/2025

Relating to the revocation of a transfer of township zoning authority.
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Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

9:42 a.m. Chair Roers called the hearing to order.

Discussion Topics:

- County authority
- Surrounding landowners
- Township control

9:42 a.m. Senator Magrum, District 8, introduced the bill.

9:44 a.m. Larry Syverson, Chairman of the Board of Supervisors, Roseville Township, Mayville ND, testified in favor and submitted testimony #35875.

9:53 a.m. Steven Krentz, Supervisory Fish Biologist - US Fish and Wildlife Service, testified in favor.

9:54 a.m. Mary Podoll, Retired State Conservationist - USDA-NRCS, testified in favor.

10:00 a.m. Steve Bakken, Burleigh County Commissioner, testified in favor.

10:03 a.m. Lanny Kenner, District 7, testified in favor.

10:04 a.m. Jerol Gohrick, Supervisor, Lindahl Township, testified in favor and submitted testimony #34503.

10:05 a.m. Erik Olson, resident Abercrombie Township, testified in favor and submitted testimony #35742.

Additional written testimony:

Marie Horning, citizen, submitted testimony in favor #35280.

Paul Sandstrom, Chairman Pleasant View Township, submitted testimony in favor #35290.

Rachel Laqua, President ND Planning Association, submitted testimony in favor #35517.

10:08 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Dear Committee Members:

I am writing in regards to SB2317, I have served on our township board, Lindahl, for better than 25 years, and have seen the change to having the county control the zoning in a township. It's wrong, the township should have control of their own zoning if they wish, one reason is simply so they know what is going on. I have watched our county change zoning, unbeknownst to the township, and watched locals be very frustrated when they are forced into something they had no clue was going on. I have watched the county take private property over the years, simply by rezoning and calling it Right of Way, that we had no control over. You can bring it to the board of commissioners, nothing happens. They tax their own free will however they wish without people's consent. I would certainly appreciate a do pass on SB 2317 to bring back more control to townships as it should be.

Thank you,
Jerol Gohrick
Lindahl Township
Supervisor

Tuesday, February 4, 2025

Senate State and Local Government Committee

Dear Senator Roers and members of the Senate State and Local Government Committee,

I want to encourage you to give Senate Bill 2317 a DO PASS.

I am a resident of Burleigh County which is the county that Bismarck resides in. Currently there are multiple townships that relinquished their zoning rights in 1971. Today these township boards are active and would like to have their zoning authority back. Last year the commission pointed out there is no way for this to happen. Burleigh County townships need your help to have even the possibility of getting their zoning rights back.

Just in our county we have a township that did not relinquish zoning rights that has a rule you must have 5 acres to build a residential home. This has been voted on at the last two Annual Meetings. The townships that do not have zoning rights are unable to make this choice at an Annual Meeting or special meetings of residents. As Bismarck grows townships near need to be able to have residents choose to have 40 acres or 20 or even 5 for a residential home.

Please vote DO PASS.

Sincerely,

Marie Horning

Dear committee members:

In regards to SB2317, I can share from personal experience. As we are building a house, the county zoning has several rules that they will not bend on such as 5 acre lots. Although I already own enough land to build, this forces me to divide and acquire 1 more acre that is virtuously useless to the homestead site, not even for a leach field. The cost to do this with today's price of surveying, attorney expense, closing costs, and permits ended up costing \$12,000.

Large government does not seem to share the common sense or flexibility of local government. They also are quite indifferent and uncaring about the expenses incurred by the person paying these extra and unnecessary expenses.

This is not to be misconstrued as an expectation that the township would in any way profit from this. If anything, the permitting fees would likely go down for the taxpayers.

Zoning control should be in the hands of local people who know the land, the local traffic, the local businesses, and the concerns of the people in the township that they represent.

Thank You,
Paul Sandstrom
Pleasant View Township Chairman



**NORTH DAKOTA
PLANNING ASSOCIATION**
Serving North Dakota since 1973

NDPA Board

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David Sweeney – At Large*

February 6, 2025
Committee Hearing: SB 2317
State & Local Government Committee

Senator Roers and Committee Members:

The North Dakota Planning Association respectfully supports and requests a DO PASS recommendation for SB 2317.

The North Dakota Planning Association advocates for thoughtful long-term planning of a community and zoning regulations that support the community plan. SB 2317 provides an avenue for townships to reacquire zoning authority via a community-oriented process that aligns with our professional and ethical standards.

We support the proposed changes and recommend a DO PASS on SB 2317.

Thank you,
North Dakota Planning Association Board
Rachel Laqua, President

Thank you Senator Roers and Members of the Committee, State and Local Government. My name is Erik Olson and I am a resident of Abercrombie Township. I am here today in favor of Senate Bill 2317 and support a DO PASS decision.

My community has seen first hand of what can happen when a township does not have control of their own zoning. We are being threatened with an out-of-state company trying to bring in a mega dairy to our township (with zero benefits I might add) and with no control over the entire project and getting forced with something our local residents are very frustrated with. Townships should have full control of their own zoning and do what is necessary to protect local residents and the environment.

Thank you for allowing me the time to speak with you today. I will be happy to answer any questions you may have.

Erik Olson
Abercrombie Township

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.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2317
2/6/2025

Relating to the revocation of a transfer of township zoning authority.
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11:38 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Committee action

11:38 a.m. Senator Walen moved Amendment LC #25.1086.01001.

11:38 a.m. Senator Lee seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

11:40 a.m. Committee discussion regarding: overlapping townships; possible hindrance to development; county authority; local control.

11:50 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HD
2/13/25
1082

SENATE BILL NO. 2317

Introduced by

Senators Magrum, Walen, Castaneda

Representative S. Olson

- 1 A BILL for an Act to amend and reenact section 54-40.5-04 of the North Dakota Century Code,
2 relating to the revocation of a transfer of township zoning authority.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1. AMENDMENT.** Section 54-40.5-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-40.5-04. Revocation of transfer.**

- 7 1. An agreement may be amended by further agreement of the parties in the same
8 manner as the original agreement was made. An agreement may be terminated as
9 provided in the agreement or, if no provision is made for the termination, by joint action
10 of all parties, or by an individual party not less than one year after its notice in writing
11 to all other parties. If a political subdivision that is a party to the agreement is
12 dissolved, the agreement may be terminated as provided in this section by the
13 governing body of the political subdivision upon its reincorporation or reestablishment,
14 by a petition submitted to the county and signed by a majority of the electors residing
15 within the previous territorial jurisdiction of the dissolved political subdivision, or in
16 some other manner specified in the agreement.
- 17 2. A ~~township or city~~ that unilaterally transferred its zoning authority to the county may
18 reacquire ~~that~~ zoning authority by mutual agreement between the board of county
19 commissioners and the ~~board of township supervisors or city governing body.~~

- 1 3. A township that unilaterally transferred its zoning authority to the county may reacquire
2 zoning authority if the township:
 - 3 a. Board of township supervisors passes a written resolution supporting a return to
4 township zoning;
 - 5 b. At the next annual meeting or at a special meeting, holds an election and the
6 majority of qualified electors vote in favor of a return to township zoning;
 - 7 c. Adopts a comprehensive plan for the township;
 - 8 d. Adopts a zoning ordinance; and
 - 9 ~~d.e.~~ Appoints a zoning administrator.
- 10 4. If a township complies with the requirements under subsection 3, the county shall
11 accept the township's reacquisition of zoning authority.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2317
2/13/2025

Relating to the revocation of a transfer of township zoning authority.
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11:17 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Committee Action

11:21 a.m. Senator Lee moved a Do Not Pass.

11:21 a.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	N
Senator Judy Lee	Y
Senator Chuck Walen	N

Motion Passed 4-2-0

Senator Roers will carry the bill.

11:24 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

**REPORT OF STANDING COMMITTEE
SB 2317**

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS** ([25.1086.01001](#)) and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2317 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE ENERGY AND NATURAL RESOURCES

SB 2317

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

SB 2317
3/13/2025

Relating to the revocation of a transfer of township zoning authority.
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10:32 a.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, Ruby,
Conmy, Foss

Discussion Topics:

- Zoning ordinances
- Township Authority

10:32 a.m. Senator Magrum introduced the bill.

10:54 a.m. Larry Syverson, Executive Director, ND Township Officers Association, testified in favor and submitted testimony. #41247

11:13 a.m. Steven Krentz, ND Resident, testified in favor.

11:28 a.m. Natalie Pierce, ND County Planner, testified in favor and proposed an amendment, "creating a map and zoning ordinances."

11:37 a.m. Barb Knuntson, ND Township Officer, testified in favor.

11:45 a.m. Ron Ness, President of the ND Petroleum Council, NDPC, testified in opposition.

11:46 a.m. Mike Conley, ND Resident, testified in opposition.

11:50 a.m. Martin Vega, Director of Community Operations for Applied Digital, testified in opposition.

Additional written testimony:

Josey Milbradt, ND Resident, submitted testimony in favor #40407

Sandra Rupp, ND Resident, submitted testimony in favor #40482

Steve Rupp, ND Resident, submitted testimony in favor #40510

Susan Long, ND Resident, submitted testimony in favor #40708

Sabrina Hildenbrand, ND Resident, submitted testimony in favor #41036

Jill Wald, ND Resident, submitted testimony in favor #41180

Lucas Wald, ND Resident, submitted testimony in favor #41183

Debra Wald, ND Resident, submitted testimony in favor #41206

Lanny Kenner, ND Resident, submitted testimony in favor # 41218

Nick Phillips, Executive Vice President of External Affairs for Applied Digital, submitted testimony in opposition #41124

11:56 a.m. Chairman Porter adjourned the meeting.

Saydee Wahl for Leah Kuball, Committee Clerk

Chairman Porter and members of the House Energy and Natural Resources Committee

I am writing you today to express my strong support for SB 2317. This bill is a crucial step towards reinforcing the principle of local government control. Local governments are best positioned to understand and address the unique needs and preferences of their communities. By allowing townships to reacquire zoning authority, SB 2317 empowers local entities to make decisions that directly impact their residents. The bill outlines a clear and structured process for townships to regain zoning authority, ensuring that this transition is done in an orderly fashion.

Local control over zoning matters is essential for several reasons:

Responsiveness: Local governments can respond quickly and effectively to the needs and concerns of their residents.

Accountability: Elected Officials at the local level are directly accountable to their constituents, ensuring that decisions reflect the will of the community.

Flexibility: Local governments can tailor zoning regulations to fit the specific characteristics and goals of their communities.

In conclusion, SB 2317 strengthens local governance by providing townships with the opportunity to reclaim their zoning authority. This bill supports the principle of local control, enhances community engagement, and ensures that zoning decisions are made by those who are most familiar with the local context.

I urge the committee for a DO PASS on SB 2317 to advance local control in our state.

Thank you for your consideration

Respectfully,

Josey Milbradt

SUPPORT HB2317

March 11 2025

Dear House Energy & Natural Resources committee members,

My name is Sandra Rupp, shortly after High School, I was hired by Burlington Northern Railroad to satisfy their so called 'Quota' of the gender minority. This testimony could be pages and pages of the challenges met being one of the first female railroad track employees. I will say it was not an easy job as there were not only the significant physical challenges, the emotional were equal and at times even greater. Within a few years the other females had moved on, however in my case, I simply could not give up. Thankfully, my reward for staying would become evident. 4 years after my career began, I married a FARMER. He was very involved in his community, primarily Township and Church. He remained township Supervisor for 27 years, until I ran for his position. Ha! something, we still laugh about. Perhaps it's a mark in ND township history. A wife beats a 27 year old incumbent, and it's her mate. My years as township supervisor we rough, as the years of 2009, 2010 and 2011 showed a vengeance of Mother Nature's Power. Flood waters had taken most of our roads, culverts and bridges. Our LaMoure County was wide spread with disaster. Being the new kid on the block, and no stranger to being 'Pro-Active', our Wano Township Board was put into the 'Fast Track.' It was up to us to make our township people whole again and we couldn't wait for upper management, because it was all for us, as a township board to decide. Granted, the process of FEMA was certainly acknowledged and aided all of County with financial assistance. But HOW would those transportation routes be put back into safe order and WHO would be doing it? I recall making trips to Bismarck to get a quick education on the FEMA process. Taking that knowledge back to my home county of LaMoure where I was asked to put on a 'Power Point' presentation for all our townships, at the Omega Room in LaMoure, North Dakota. Those efforts aided many townships who needed the necessary information in order to avoid denial of FEMA funding. Year one, 2009 was so terribly challenging, yet WANO township was ahead of the game in getting their roads, culverts repaired or replaced. The bridges would follow, as that was the responsibility of the LaMoure County. Come 2010, townships were challenged with another year of flooding! The tax-payers depended on the Wano Township Board once again to make them whole.

Following the third flooding in 2011, our township, along with others could write a book, "A Township Flooding Trilogy." As ordinary folks, a township board may not always get things done proper, but what they do is they CARE for those closest to them. If legislation bills continue to erode the lowest political subdivisions in North Dakota, the concerns and voices of people will continue to be quashed.

During my nearly 20 years as a Maintenance of Way, Burlington Northern Railroad employee, I went from the 'lowest level' laborer employee who would wear a 'Yellow' colored hardhat to one of authority, a Foreman, who would wear a 'White' colored hardhat. I was responsible for the men on my crew and listening to those concerns of our workplace and the conditions. The day I clearly recall, was when my superior told me I had to inform some of my crew the expectations of that day from upper management. Not easy being in the middle, so I truly understand and respect. Yet, the core of my being is this, one simply cannot ignore both sides. I stood for those employees and still recall Burlington Northern Railroad upper management reminding me to look at the color of my 'White' hardhat. I took a deep breath, and responded, "I will, but I will not forget where I came from." I returned back to my crew and we did what was right! After all, it Our Blood, Sweat and Tears that was getting those 2 miles of recorded production, for the monetary gains of the Burlington Northern Railroad and their stock holders. To this day, I still wonder what would happen if 'Upper Management' would be required to walk in the shoes, or in my case the Steel-Toed boots of their subordinates.

Today, I took this time to bring more to any testimony that I have ever written. These two pages are very close to my Heart!. Please bring back or protect the voice of the townships and their people. If you are still reading, I will go one step further - "Leaders of North Dakota, if law continues to threaten North Dakota's Political Sub Divisions, please remember these words as you Vote!"

"Don't Forget Where You Came From!"

Support and Pass HB2317

Sandra Rupp
District 28
Edgeley, ND

Support SB2317

I am writing this in an effort to support SB2317. We owe it to our townships to be a voice for the people and have the right to set the zoning rules. In our situation of living in LaMoure County, we have been told by our county commissioners that they refuse to zone. They feel that they will just leave that up to the individual townships to make their rules. In the case of a large project coming through, it leaves us wide open and vulnerable. With passage of this bill our townships will at least be a voice for the individual landowners when a county is being of no help to us, or for us.

Thank you for your consideration
Steve Rupp
District 28

Chairman and Members of the Committee,

I am writing in support of Senate Bill 2317...to provide a clear pathway for townships to reacquire zoning authority. It places the power back in the hands of the people directly affected by local land use decisions.

SB 2317 empowers our communities, promotes accountable local governance, and strengthens the principle that decisions about land use and development should be made as close to the people as possible.

I respectfully urge a “Do Pass” recommendation on SB 2317.

I appreciate your time and consideration.

Susan R. Long

Berlin ND

Chairman and Members of the Committee,

I respectfully urge a “Do Pass” on SB2317.

This bill would provide our townships and communities the ability to make decisions that are best for our land use and development.

Thank you for your time.

Sabrina Hildenbrand

Monango, ND

District 28

March 13, 2025

Honorable Chairman Porter and Committee Members,

Applied Digital Corporation (Nasdaq: APLD) is a designer, builder and operator of next-generation digital infrastructure for High Performance Compute ("HPC") applications. Plainly, we are a landlord offering a high-tech environment for owners of some of the most advanced super computers on the planet to safely operate their equipment. Applied Digital has been active in North Dakota since 2021 and currently maintains facilities north of Jamestown and in Ellendale. These investments are the result of a strong partnership between APLD and the State of North Dakota. Indeed, to date we have invested over \$1B in infrastructure in North Dakota and anticipate roughly \$4B more in the coming years. These figures do not include the money that a future customer is anticipated to spend in installing equipment within our facility.. Our permanent employment footprint at our facilities is expected to be roughly 400 jobs and an outside economic impact study we commissioned estimates that this footprint will also create roughly 2,500 indirect jobs as a result of our projects. In addition to our positive employment numbers, our Ellendale project has directly resulted in \$5.4 Million being returned to MDU's North Dakota rate payers in 2023 and MDU is projecting that it will directly result in an additional \$14 Million being returned to MDU's North Dakota rate payers in 2024.

While Applied Digital supports effective and reasonable zoning ordinances and comprehensive plans, we worry that Senate Bill 2317 will present challenges for landowners and businesses in rural North Dakota.

- **This change is unnecessary.** Under current law, if a Township that previously turned zoning over to a County desires control of zoning to be returned, it can work with such County to regain this authority through existing processes.
- **This change causes regulatory uncertainty.** Under Senate Bill 2317, a revision to 54-40.5-04 will allow a Township to follow a process to obligate a County to return the zoning authority back to a Township. Establishing this process without mutual agreement from the County creates a level of regulatory uncertainty for projects occurring, or being considered, in these areas due to a lack of stability in land use regulations. A project may be in compliance under one zoning plan but then potentially be in violation if there is a sudden transfer of zoning authority. Furthermore, bypassing a structured process for both the Township and County to discuss potential concerns will pose challenges for a smooth transition of authority. If prior agreements were made between a County and a Township in relation to zoning matters and some future Township Board chose to unwind those agreements without any coordination with the county it could cause unintended consequences for a County, Township, and property owners. Section 54-40.5-04(4) does not require prior discussions before obligating the County to accept the transfer of authority. Under this change in law, cities would still have to follow the current process to take back zoning authority from a county, thus it stands to reason that townships should likewise be subject to the same process.
- **Zoning law is complex.** Planners must be educated with experience to protect the public while providing consistent regulations that does not violate the constitution and become

an unlawful taking. Volleying the regulation between political subdivisions will make that job even more complex to keep track of prior regulations and apply the correct law for grandfathering uses, especially for a township.

- **Investment Risk:** With rural North Dakota seeing potential large capital projects such as ours, Senate Bill 2317 would lead to uncertainty and could affect investment. Large capital projects require regulatory certainty and imposing instability in regulatory oversight could present new risks for larger capital projects discouraging their investments in these areas. Projects are often planned over large periods of time, so sudden changes in authority could end development. That risk would make North Dakota appear less friendly for our businesses and for our potential tenants.

With these challenges in consideration, we are concerned that this will open opportunities for instability, operational inefficiencies, and investment deterrents. **We strongly urge you to vote no on Senate Bill 2317** because it is both unnecessary and creates unnecessary risk to projects.

Thank you for your time and consideration. Please feel free to reach out if you have any questions. We look forward to continuing our partnership with North Dakota.

Sincerely,

Nick Phillips

Nick Phillips

Executive Vice President of External Affairs



APPLIED DIGITAL

Nick@AppliedDigital.com

Chairman and Committee Members,

I am writing to express my support for Senate Bill 2317. I firmly believe that townships should have the authority to control their own zoning. The residents of a township are the ones who understand their community best and should have the power to make decisions that protect their land, environment, and overall quality of life.

Thank you for your time and consideration.

Respectfully,

Jill Wald
Edgeley, ND
District 28

Chairman and members of the committee,

I respectfully urge a "Do Pass" on Senate Bill 2317 I am writing in favor of townships the ability to reattain the rights of zoning. Local citizens, landowners, and their local governing bodies should be able to vote and decide on the use of their land. Who better to make the decisions of what happens in their communities other than the people directly affected by the decisions?!

Respectfully,

Lucas Wald
Edgeley, ND
District 28

Chairman and Committee Members,

I am writing to express my strong support for Senate Bill 2317. Townships should have the authority to control their own zoning, ensuring that decisions about land use are made at the local level by those directly impacted.

Landowners and residents deserve the opportunity to be involved in shaping the future of their communities. SB 2317 empowers townships to make zoning decisions that best reflect the needs and values of their residents.

I respectfully urge your support for this important bill. Thank you for your time and consideration.

Respectfully,
Debra Wald
Edgeley ND
District 28

Lanny Kenner
District 7

Chairman Porter and committee members,
I am requesting YES votes for SB 2317.

Some townships may not want zoning responsibilities but the ones who do want it should be able to have local control. SB 2317 would allow just that.

Please PASS SB 2317 to allow townships to regain zoning authority.

Thank you, Lanny Kenner

Support of SB2317

House Energy and Natural Resources Committee

March 13, 2025

Good morning, Chairman Porter 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 comprehensive plan for the township
(The all-important basis for a zoning ordinance.)
- D. Adopts a zoning ordinance;
(This process requires public notices and meetings)
- E. Appoints a zoning administrator.
(The final step, the township is ready to regain local control.)

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.

We have seen cases where the county will not return the authority to the township but will not enforce the code they do have. Township residents are left to endure junk yards, derelict vehicles, and other situations that zoning enforcement would clean up. Problem sites that are not very close to a city are ignored. This is not a new situation; it has been going on for several years involving several different townships. Even some unorganized townships have considered reorganizing if they could get their zoning authority back and get things cleaned up. The townships have been to the county seeking enforcement or a return of authority but have not succeeded in either. I believe there will be township officers following me who can relate their experiences trying to get county enforcement of the zoning code. This is not about powerlines, pipelines, or data centers. This is not about being different but returning authority to those who will administer it to benefit the community.

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.

Chairman Porter 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.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2317

3/20/2025

Relating to the revocation of a transfer of township zoning authority.
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2:28 p.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, Ruby,
Conmy, Foss

Discussion Topics:

- Committee Action

2:28 p.m. Vice Chairman D. Anderson moved a Do Not Pass.

2:29 p.m. Representative Heinert seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Austin Foss	Y
Representative Jared c. Hagert	Y
Representative Craig Headland	Y
Representative Pat D. Heinert	Y
Representative Jorin Johnson	N
Representative Andrew Marschall	N
Representative Jeremy L. Olson	Y
Representative Matthew Ruby	N

Motion Carried: 10-3-0

Bill Carrier: Vice Chairman D. Anderson

2:32 p.m. Chairman Porter closed the hearing.

Saydee Wahl for Leah Kuball, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2317 ([25.1086.02000](#))**

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed SB 2317 was placed on the Fourteenth order on the calendar.