

Introduced by

1 A BILL for an Act to create and enact a new subsection to section 40-47-01.1 of the North
2 Dakota Century Code, relating to county approval for extraterritorial zoning.

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

4 **SECTION 1.** A new subsection to section 40-47-01.1, effective after July 31, 2009, is
5 created:

6 Before a zoning or subdivision regulation adopted under the authority of this
7 section is effective, the board of county commissioners for the area shall hold a
8 hearing on the regulation. After the hearing, the board of county commissioners
9 may approve or disapprove the zoning or subdivision regulation. In making a
10 determination under this subsection, the board of county commissioners shall
11 determine whether the extended area or a portion of that area would be better
12 served by present zoning or subdivision regulation, and shall consider the present
13 and projected population of the subject area, the natural topography of the area,
14 the present and projected transportation network, whether necessary government
15 services may be best provided through the proposed action or another type of
16 boundary adjustment, the degree of contiguity of boundaries of the area and
17 adjacent units of government, and any other relevant factor as determined by the
18 board of county commissioners. If there is a substantive change in zoning or
19 subdivision regulation from previous township zoning or regulation, the board of
20 county commissioners may not approve of the change unless the board finds by a
21 preponderance of the evidence for the change using the factors listed in this
22 subsection. The board of county commissioners may make the decision after
23 referring the matter to the county planning commission for a recommendation.