



**Testimony on HB 1165**  
**Presented to the House Political Subdivisions Committee**  
**Prepared by Tim Solberg, West Fargo Planning Director**  
**Thursday, Feb. 4, 2021**

1           Representative Dockter and members of the House Political Subdivision  
2 Committee: I write you today to express my opposition to HB 1165, which would allow  
3 any qualified elector who is resident of the extraterritorial zoning jurisdiction of the city  
4 to vote in city elections.

5           Extraterritorial zoning applies to the orderly growth of the community and allows  
6 for a coordinated response to growth pressures outside city limits. This provides a benefit  
7 to the rural areas in ensuring growth is orderly and does not negatively affect them. This  
8 authority only applies to subdivisions and zoning, which includes building permits and  
9 floodplain development. It does not include nuisance laws, road authority or municipal  
10 service responsibilities, nor does it allow cities to tax residents in these areas. With this bill,  
11 residents with a limited relationship and no tax responsibility to the city would be able to  
12 vote in the city's election.

13           The extraterritorial zoning strategy, as currently written, has been incredibly  
14 helpful in the City of West Fargo's phenomenal growth in the last 20 years. This growth  
15 has required much forethought to the layout of streets, development of compatible  
16 uses and administration of floodplain regulations in flood prone areas. Under these  
17 statutes, the City of West Fargo has successfully coordinated with Cass County and  
18 Reed, Raymond, Mapleton and Warren townships.

19           A key part of this relationship is ensuring extraterritorial residents receive  
20 opportunities to provide input on these decisions. The City of West Fargo Planning  
21 Commission has eight members and three of those members are from extraterritorial  
22 areas and appointed by the Cass County Board of Commissioners. In West Fargo, all  
23 extraterritorial area applications go to Cass County and affected townships for review.

24 Any comments and recommendations from these partners receive strong  
25 consideration.

26 The extraterritorial area statutes have been in place since 1975 and work. Under  
27 these statutes, much coordination has taken place with townships, Cass County, and  
28 neighboring cities to ensure that as growth occurs, we plan and accommodate  
29 improvements and compatibility of uses. The spirit and goals of working together for  
30 coordinated growth of our cities and protecting the rights of rural residents is happening  
31 through the coordination required in the current law.

32 For these reasons, we urge a DO NOT PASS recommendation on HB 1165. I am  
33 available for any questions you may have on this matter at  
34 [tim.solberg@westfargond.gov](mailto:tim.solberg@westfargond.gov).