



HB 1222 City of West Fargo Testimony

Provided by Bernie L. Dardis – President, Board of Commissioners

HB 1222 relates to nonconforming structures for zoning purposes for cities, counties, and townships. The City of West Fargo would like to go on record as being in opposition to the bill as it pertains to Section 40-47-05.1 as written for the following reasons:

The City is sympathetic to the situation of a homeowners ability to finance a property that is no longer in compliance with local zoning ordinances, however it is within the City's best interest to find remedy to this situation rather than to be required by State Statute to allow the homeowner to rebuild without regard to local zoning decisions.

- Local zoning is responsive and often provides remedy such as rezoning, zoning text amendments, or variance from zoning requirements to allow for the proper rebuilding of a property that is nonconforming.
- There may be specific cases where rebuilding a nonconforming structure is not in the City's or future homeowners' best interest such as soil stability, flooding, compatibility with adjacent uses, environmental considerations, cost related to regional improvements, etc. In these cases allowing the rebuilding of a nonconforming structure without local consideration may not result in the best situation for the City or for the homeowner.

The City respects the bill sponsors desire to find an easy remedy for homeowners of nonconforming structures, however feels it is in the City and future homeowners' best interest to allow the City to make these decisions locally.

The City of West Fargo urges a **DO NOT PASS recommendation on HB 1222.**