

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 shall hold a hearing on the  
8 regulation. After the hearing, the board of county commissioners may approve or  
9 disapprove the zoning or subdivision regulation. In making a determination under  
10 this subsection, the board of county commissioners shall determine whether the  
11 extended area or a portion of that area would be better served by present zoning or  
12 subdivision regulation, and shall consider the present and projected population of  
13 the subject area, the natural topography of the area, the present and projected  
14 transportation network, whether necessary government services may be best  
15 provided through the proposed action or another type of boundary adjustment, the  
16 degree of contiguity of boundaries of the area and adjacent units of government,  
17 and any other relevant factor as determined by the board of county commissioners.  
18 The board of county commissioners may make the decision after referring the  
19 matter to the county planning commission for a recommendation.