



**Testimony of Rachel Laqua, Principal Planner
on behalf of the City of Williston
in Opposition to House Bill 1165
Senate Political Subdivisions Committee
March 18, 2021**

Chairman Burckhard and members of the Senate Political Subdivisions Committee:

My name is Rachel Laqua, Principal Planner with the City of Williston Planning and Zoning Department. I am testifying this morning in opposition to House Bill 1165 on behalf of the City of Williston.

The City of Williston has concerns regarding this bill.

The extension of the ETJ is to allow the careful planning of areas which require future orderly growth. ETJ areas allow for the City to protect areas that they will grow into by ensuring that only compatible development is built. Any development needs to be able to be serviced by City infrastructure in the future, and needs to be compatible with the planned zoning. Future street plans, future land use plans, and future sewer and water infrastructure plans all depend on ETJ areas being developed to accommodate that future growth. Without an ETJ, development could end up being haphazard and disrupt planned future infrastructure networks. Rearranging the development of those infrastructure improvements can end up being extremely costly to municipalities and taxpayers.

For example, in the ETJ, most residences are served by septic systems, rural water, and gravel roads. Typically, that style of development works well, but can be hard to develop around without appropriate planning for future development. Areas without ETJ's can end up with services that are inadequate for transition to more urban service needs. Planning for how to develop around and with those areas prior to their development saves both the City and the taxpayers from having to correct costly errors later. Without the ETJ, housing could be built in an area planned to be industrial, or large lot development might be built without the ability to accommodate a sewer line needed to allow development in a large portion of the surrounding area.

A specific example of this occurred in Williston. A subdivision built in a nearby area of the County featured half acre rural lots. As this part of the area around the city was annexed into City Limits, there was outside private pressure on the area to split the area into smaller lots to increase density. However, there was no sewer nearby, and the new lots would not have been large enough to support a septic system. In response to this, the City put together several improvement districts (one per street) to pave the streets and add sewer lines. However, only half of those improvement districts passed the protest hearings. Now, individuals on the streets which didn't pass their improvement district are having to pay personally to connect to the sewer lines in the area as their septic systems, which were aging when the districts were proposed, have failed. This is at great cost to these individual taxpayers.

In the future, a development like this in the ETJ could be helped not by removing the ability for development, but by creating a subdivision which takes into consideration future development and, for example, reserves part of the development for urban development, or allows an easy path for a sewer

line to make a connection around or through the development. Overall, ETJs are a valuable planning tool, and create minimal disruption for residents while providing a great deal of protection to cities and city taxpayers.

Bills like the one before you, which requires allowing ETJ residents to vote in City elections, complicate this issue. ETJ residents do not utilize the services of the City, and therefore should not be able to vote in City elections.

Jurisdiction over ETJ's extends only to building, fire, and planning codes. If the issue is one of representation, Planning and Zoning Commission boards include ETJ residents as appointees.

There is no reason for representation of ETJ's on other boards or through elections, as the issues at hand typically do not affect ETJ residents.

In fact, allowing ETJ residents to vote in City elections could cause derailment of vital City infrastructure goals and capital improvement plans. For example, ETJ residents have no reason to vote for proposals which may increase City expenditures – but may not realize that they don't pay City taxes. This could lead to "no" votes on vital projects.

If there is no affect of these proposals on ETJ residents, then there is no reason those residents should be voting. Residents who may not have the knowledge or background to determine the long term effects of how their vote affects a City they do not live in should not vote in those City elections.

This bill would change the relationship between ETJs and their nearby City, which in turn impacts the potential for orderly and cost-effective growth of the City. This item should be left to the current standards of 40-47-01.01. ETJ residents should not be able to vote in City elections.

We therefore respectfully request a DO NOT PASS recommendation for House Bill 1165.

Thank you for your time.