

House Industry, Business, and Labor Committee
Representative Scott Louser, Chair
Representative Mitch Ostlie, Vice-Chair
January 25, 2023

Chairman Louser, Members of the House Industry, Business, and Labor Committee:

My name is Ben Ehreth and I am the Community Development Director for the City of Bismarck.

We greatly appreciate the opportunity to provide testimony related to House Bill 1422.

Specifically, we are opposing the proposed amendments identified on lines 10-12 of page 3 of the bill, requiring notification of planning and zoning commissioners after permits have been issued, and lines 9-23 of page 4 of the bill, requiring a zoning inspection after issuance of a building permit.

Our department deals directly with planning, zoning, and building inspections duties. Our Building Inspection Division issues between 3,000 to 5,000 permits every year. The notification of planning and zoning commissioners of thousands of individual permits issued each year may become an administrative burden and overwhelm planning and zoning commissioners with information. Furthermore, it is undefined as to what action the zoning commission should take beyond being notified of issuance of a permit.

The bill goes on to propose a zoning inspection and report process. The City of Bismarck has a property development process in place, utilizing professional staff, that reviews the zoning of a proposed structure prior to issuance of a building permit. The proposed zoning inspection and report process identified in the bill would be duplicative of property development review processes already in place and could add time and cost to the building permit process.

The City of Bismarck does allow for a damaged structure, beyond 50% of its assessed value, to be restored, repaired, or rebuilt if certain conditions are met. However, this allowance is only for non-conforming residential uses. All other non-conforming uses would not be allowed to be restored, repaired, or rebuilt if damaged beyond 50% of the assessed value of the structure. The proposed bill does not specify what non-conforming uses are considered so may be contradictory to current Bismarck zoning ordinance.

Finally, the City of Bismarck Community Development staff can be contacted, by members of the public, to provide a zoning determination on properties in question.

Given the potential additional administrative burden, inundation of information to planning and zoning commissioners, delay and cost increases associated with the permitting process, and contradiction of Bismarck zoning ordinance we are opposing this bill.

I respectfully request you give HB 1422 a DO NOT PASS recommendation.

Thank you for your consideration of our comments in opposition of House Bill 1422.

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