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Sixty-first Legislative Assembly of North Dakota SECOND DRAFT:

Prepared by the Legislative Council staff for the Advisory Commission on Intergovernmental Relations
June 2008

Introduced by

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- 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.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 40-47-01.1, effective after July 31, 2009, is created:

Before a zoning or subdivision regulation adopted under the authority of this section is effective, the board of county commissioners for the area shall hold a hearing on the regulation. After the hearing, the board of county commissioners may approve or disapprove the zoning or subdivision regulation. In making a determination under this subsection, the board of county commissioners shall determine whether the extended area or a portion of that area would be better served by present zoning or subdivision regulation, and shall consider the present and projected population of the subject area, the natural topography of the area, the present and projected transportation network, whether necessary government services may be best provided through the proposed action or another type of boundary adjustment, the degree of contiguity of boundaries of the area and adjacent units of government, and any other relevant factor as determined by the board of county commissioners. If there is a substantive change in zoning or subdivision regulation from previous township zoning or regulation, the board of county commissioners may not approve of the change unless the board finds by a preponderance of the evidence for the change using the factors listed in this subsection. The board of county commissioners may make the decision after referring the matter to the county planning commission for a recommendation.