

To: Advisory Commission on Intergovernmental Relations
From: Jerry Hjelmstad, North Dakota League of Cities
Date: August 11, 2008
Re: Extraterritorial Zoning

Extraterritorial zoning authority was granted to North Dakota cities in 1975:

- one-half mile for cities under 5,000 population
- one mile for cities from 5,000 up to 24,999
- two miles for cities of 25,000 and over

The Legislature expanded that ET zoning authority in 1997:

- one mile for cities under 5,000 population
- two miles for cities from 5,000 up to 24,999
- four miles for cities of 25,000 and over

There is a need for extraterritorial zoning for:

- planning for city growth and orderly development
- protecting the health and safety of city residents

Most of the concerns expressed seem to be with the expanded ET authority:

- difficulties with landfill siting
- enforcement of health and safety regulations
- lack of representation in the ET zoning area

In an effort to balance these needs and concerns, we ask for your support for the compromise provided by bill draft 90140.0100. That bill draft provides that the city and the township or the city and the county would both have to approve subdivision plats or changes in zoning in the expanded ET zone before those changes would become effective.