



**NORTH DAKOTA
PLANNING ASSOCIATION**
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February 4, 2025

Committee Hearing: HB 1472

House Education

Representative Heinert and Committee Members:

The North Dakota Planning Association respectfully requests a decision of DO NOT PASS on House Bill 1472.

The North Dakota Planning Association advocates for thoughtful long-term planning of a community and zoning is the regulation mechanism to enforce a community's long-range vision. HB 1472 would preempt local control and local zoning regulations in terms of what uses they wish to permit where.

It is not within our purview to weigh in on best educational models, however we do wish to advocate for local control and for a community to have the ability to determine what uses are permitted where as well as advocate for life safety codes such as fire and building code requirements.

Zoning allows a community to establish expectations for property owners themselves, their tenants and their neighbors, in terms of what uses are permitted next to them. In this case, schools are typically permitted uses in residential districts, in commercial districts with certain restrictions to allow for space between commercial and school uses, and typically, not permitted at all in industrial districts for environmental reasons. While all industrial areas are not created equal and many are blurring the lines between commercial and industrial in terms of intensities, a school use typically is not conducive to be next to manufacturing even if there is a vacant, presumably cheaper space next door. We understand economics and market factors may make industrial or commercial spaces appealing but on a community long-term vision level, industrial and commercial spaces may not be well suited for school uses. Arguably as well, up to 50 kids in a residential unit, be it a home, accessory dwelling unit, or public spaces as written in terms of how many people can be in a space, is too many to have without creating negative external spinoffs to adjacent neighbors. A lower number, much like current child care limits, would be better suited in residential settings.

Life safety codes speak for themselves in terms of the protection and prioritization of life; for kids, teachers and parents. The life safety codes especially should come into place if up to 50 kids plus teachers are in residential space and definitely for any number of people in a commercial or industrial setting.

The bill also would require localities to prioritize these types of request on a 'first priority basis' in terms of processing them for building and development permits. ND communities strive to facilitate development requests as they come in to meet the needs and demands of all sectors looking to grow and expand within our state. We recommend the removal of the priority language in order to allow for fair application processing practices.

We encourage the evaluation and amendment of the items noted above, and at this time, recommend a DO NOT PASS on House Bill 1472.

Thank you,
North Dakota Planning Association Board
Rachel Laqua, President