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HB 1165
City of West Fargo Testimony

Provided by Bernie L. Dardis – President, Board of Commissioners

HB 1165 relates to qualified electors in city elections as it relates to the extraterritorial authority (ETA) for zoning and subdivision purposes for cities. The City of West Fargo would like to go on record as being in opposition to the bill as written for the following reasons:

- West Fargo has experienced tremendous growth over the last several decades requiring much forethought to the layout of streets and the development of compatible uses. Much coordination has taken place with townships, Cass County, and City of Fargo to ensure that as growth occurs costly improvements and compatibility of uses are properly accommodated.
- Extraterritorial Authority (ETA) refers to a City’s ability to manage growth outside of its incorporated limits by granting City’s the authority to regulate zoning and subdivision control within an area that is approved by resolution for a specific distance outside of the incorporated limits of the City. It only applies to zoning and subdivision control and does not extend to other City services or authority.
- Without the ETA provided for in the current statutes, cities may consider premature annexation of bordering areas to control the proper planning for and timing of development. Premature annexation causes tax implications for property owners and should be avoided
- ETA does not give cities the ability to tax outside of the incorporated limits or enforce any ordinances beyond zoning and subdivision control. If this bill were to pass, voters who do not pay taxes to the City would affect the election results of the City.

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- ET residents are represented when it comes to zoning and subdivision control. The City of West Fargo has 8 members on its Planning Commission. Three members reside in the extraterritorial area and are appointed by the Cass County Board of Commissioners.
- In West Fargo, all ET area applications are sent to the County and township(s) for review. Any comments/recommendations are weighed heavily in consideration of the application. The ETA has helped to conduct proper planning in growth areas, and has helped to properly administer floodplain regulations in flood prone areas.
- The ETA statutes were well thought out and have been in place since 1975. The ETA was expanded in 1997 which raised some concerns. As a result the outer area of the ET was changed in 2009 to be considered joint jurisdictional area. The City of West Fargo coordinates effectively with Cass County, Reed, Raymond, Mapleton and Warren Townships and would like to go on record in support of maintaining the current statutes.

The City of West Fargo urges a **DO NOT PASS recommendation on HB 1165.**