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(Deep Breath)

Ready ... Set ... Go!
Ready or not, here I come!
Catching up to Growth

Strategies for land use planning along the way ...

Daniel Nairn, AICP
Morton County Planning and Zoning
Quick primer on ...

PLANNING AND ZONING BASICS
Comprehensive Plan

• “A statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control”

• Required by state law to provide a rational basis for zoning (NDCC 11-33-03)

• Establish long-term (20 – 30 years) vision for the whole community.

• General guidance, not specific application.
Comprehensive Plan

- Transportation
- Land Use and Development
- Natural Resources
- Housing
- Business and Industry
- Economic Development
- Public Facilities
Law: Land Use Code

• Enabled through NDCC 11-33 Zoning and 11-33.2 Subdivision
• Nationwide trend of combining into “Land Development Code” or “Land Use Code.”
• Includes:
  • Zoning Districts (referencing a zoning map)
  • Subdivision Regulations
  • Floodplain Management (if part of NFIP)
  • Stormwater Management
  • Building Permits (in reference to State Building Code)
  • Approach Permits
  • Administration and Enforcement
  • Definitions
## Zoning Districts

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<thead>
<tr>
<th>Use (with reference to applicable standards)</th>
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<td>Grain Elevator</td>
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Subdivision of Land

• Century Code defines subdivision as “the division of a lot, tract, or parcel of land, creating one or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale or of building development.”

• Divide “Divisions of Land” into different types:
  1. Exempt Completely (e.g. lots over 35 acres in Agricultural zone)
  2. Minor Subdivisions (e.g. single lot subdivisions with no public roads)
  3. Major Subdivisions (e.g. multi-lot subdivisions)

• What improvements may be required with a subdivision? Who pays for them? When must improvements be completed?

• Townships do not have this authority, only counties and cities.
Plan

Law
Suggestions for ...

PLANNING ALONG THE WAY
1. Update Laws Incrementally

• Build a habit of regular revisions:
  • A few public process requirements to meet
  • Create a record of changes
• Reasons:
  • Debugging – unclear language, inconsistencies, found loophole
  • Conform to Comprehensive Plan
  • Giving too many variances
  • Too difficult to administer or enforce
  • Change in state or federal law
  • Reaction to a controversy (use caution)
• Caveat: Don’t change the rules on an applicant in the middle of a review process.
2. Simplify the Comp Plan

- Meant to be used; should function as a quick reference.
- Do as much background research as possible, but keep most of the supporting details out of the plan.
- Don’t skimp on public participation.
- Language and visuals are accessible and attractive.
- Future Land Use Map?
3. The Moratorium Option

- Courts have determined that a temporary ban on building permits is permissible.
- Must be for a limited time and for a legitimate purpose.
4. Ask People What They Want

The county should have a stronger role in directing future growth and development to appropriate locations

Individuals and developers should be free to develop land without many restrictions

Morton County Rural Household Survey 2015
5. Clarify Administrative Procedures

- Keep an efficient pipeline of communication between departments, and with other jurisdictions.
- Clarify boundaries of extraterritorial areas.
- Make sure land development professionals are aware of all procedures.
- Enforcement.
Catching up to Growth

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