

# 2005

# North Dakota

# Planning Handbook

The preparation of this Handbook was initiated by the North Dakota Planning Association. The North Dakota Planning Association gratefully acknowledges the financial assistance of its funding partners: the North Dakota Division of Community Services, the North Dakota League of Cities, and the North Dakota Association of Counties.

North Dakota Planning Association  
P. O. Box 444  
Bismarck, ND 58502-0444  
E-mail: [info@ndplanning.org](mailto:info@ndplanning.org)  
Web Site: <http://www.ndplanning.org>

Preparation of this 2005 North Dakota Planning Handbook was completed by Joel Quanbeck, AICP from Ulteig Engineers, Inc. The author gratefully acknowledges the assistance of those who reviewed drafts of this Handbook, but reserves the responsibility for any errors of fact to himself.

## Table of Contents

I.	<b>Introduction</b>	1
	a. How to use this Handbook	1
	b. The legal basis for Planning	2
	c. Guide to key chapters of the North Dakota Century Code	4
II.	<b>Roles and Terms in Planning</b>	5
	a. Governing body	5
	b. Planning or zoning commission	5
	c. Administration	6
	d. Citizens	6
	e. Terms	6
III.	<b>Process Overview</b>	8
	a. Land use management is an evolving process	8
	b. General steps to land use management processes	9
	c. Key operating principle for land use management	11
IV.	<b>Similarities and Differences in Types of Local Government</b>	12
	a. Counties	12
	b. Townships	12
	c. Cities	13
	d. Commonalities among governmental types	14
	e. State role in certain land use management cases	14
V.	<b>Plans</b>	16
	a. Description and contents	17
	b. Procedures	19
	c. Distinctions	20
	d. Implementation	20
VI.	<b>Zoning Ordinances</b>	22
	a. Function	22
	b. Distinctions	23
	c. Components	24
	d. Procedures	26
VII.	<b>Subdivision Regulations</b>	30
	a. Function	30
	b. Distinctions	30
	c. Components	31
	d. Procedures	32

VIII. <b>Capital Improvement Plans</b>	36
a. Function	36
b. Distinctions	37
c. Components	38
d. Procedures	38
IX. <b>Special Topics</b>	40
a. Public hearings and notification	40
b. Findings of fact	40
c. Conflicts of interest	41
d. Ex parte communications	42
e. Zoning district types	42
f. Extraterritorial authority	42
g. Additional land use control tools	43
Appendix 1. <b>Attorney General's Opinions and Statutory Changes</b>	44
Appendix 2. <b>Glossary of Terms</b>	47
Appendix 3. <b>Contacts, References, and Resources</b>	51