

**FINAL REPORT TO THE
WASHINGTON COUNTY QUORUM COURT**

PARA TASK FORCE

H. L. Goodwin, Jr. and Randy Laney, Co-Chairmen

Jeff Hawkins, Facilitator

Fayetteville, AR

October 13, 2005

**FINAL REPORT OF THE PARA TASK FORCE
TO THE WASHINGTON COUNTY QUORUM COURT**

Introduction

	1980 Population Estimates	1990 Population Estimates	2000 Population Estimates	2004 Population Estimates
Benton County	78115	98524	154821	179756
% increase		26.13	57.14	16.11
Washington County	100494	114325	158650	174077
% increase		13.76	38.77	9.72
Arkansas State	2286358	2356586	2678501	2752629
% increase		3.07	13.66	2.77

Source: NWA Regional Planning Commission

With adoption of resolution 2005-15, the Quorum Court authorized and directed the county judge to establish a task force to identify issues associated with the rapid and unprecedented growth that the county is experiencing in rural, unincorporated areas. In recognition of the consequences of uncontrolled growth on the character, integrity, and viability of these agricultural and rural areas, the court also asked for recommendations on how best to protect these areas, while at the same time insuring and accommodating orderly growth and development. With this charge, the court appropriately assigned the name: “Protecting Agricultural and Rural Areas” (or “PARA”) Task Force.

PARA Organizational Framework

In early June, Judge Jerry Hunton asked nearly four dozen Washington County citizens to participate in this effort. The Judge’s appointees to the task force were thought to be a representative cross-section of the areas and interests likely to be impacted by subsequent action (or inaction) regarding future growth management. They included citizens from the business, real estate and development, agricultural and environmental communities as well as mayors and school superintendents or their representatives. A complete listing of the PARA Task Force is shown in Figure 1.

The PARA Task Force's initial, organizational meeting was held on Wednesday, June 22nd. Randy Laney of the Washington County Planning Board and H.L. Goodwin of the Washington County Quorum Court were appointed co-chairs of the task force, with Jeff Hawkins of the Northwest Arkansas Regional Planning Commission as facilitator. In addition, the following county staff resources were made available to PARA: Karen Beeks, Quorum Court Reporter; Berni Kurz, Arkansas Cooperative Extension Service; Frank Ditmars, Road Department; Juliet Richey, Planning Director; Shawn Shrum, Environmental Affairs Director; Melissa Wonnacott, Arkansas Health Department; John Jenkins, Fire Marshall; John Luther, 9-1-1/Emergency Management Director; George Butler, County Attorney and John Gibson, Country Administrator.

In an effort to insure and facilitate a full and thorough identification of the issues, the task force divided into the following sub-committees: Agriculture/water quality; Infrastructure; Government Services; Economic Development; Residential Subdivisions; Quality of Life; and Growth Areas (Figure 2). This approach allowed more participation and involvement of members in development of goals, objectives, and recommendations associated with those specific areas of concern.

Beginning in late June and continuing to the present, the PARA Task Force has met every other Wednesday with subcommittee chairs meeting together on alternating Wednesdays. Agendas for the Task Force meetings appear in Appendix A. Three particular sessions were dedicated to the strategic issues of decentralized sewers, protection of agricultural lands (Appendix B) and a review of the current county planning regulations and issues associated with these regulations (Appendix C). The task force heard and took under advisement presentations regarding long range transportation plans; existing city and county land use and development regulations; "step" and de-centralized sewer systems; and most importantly methods recognized by the American Farmland Trust as tools being utilized nationwide to protect and preserve farmland. Arkansas' right to farm statute was also reviewed.

Respective subcommittees met in the interim at their convenience on numerous other occasions. Every effort was made to try and insure that all issues affecting unincorporated areas were identified. Besides the many task force and subcommittee discussions and meeting, public listening sessions were held on July 5th, August 1st, and October 3rd. These public listening sessions were considered critical in insuring the open and free expression and consideration of comments, concerns and views of the general public. To that end and in an effort to garner as much public input as possible, a website was created and posted at www.co.washington.ar.us/para and the following email address was established to receive further comments and views: para@co.washington.ar.us.

After reviewing the county's existing land use map created by Juliet Richey, Planning Director, with the cooperation of Lee Ann Kizzar, County Assessor, initial discussions centered on matters related to the rate of growth, types of development, existing conditions and existing and likely future development patterns. A deliberation approach was then undertaken in an effort to address the effects resulting from what the resolution called the "collision of interests" among agricultural, residential, commercial, and industrial uses in rural and unincorporated areas. The process was structured as follows: first, a thorough identification of the issues; second, the development of specific goals and objectives, third, a review of existing rules, regulations, and policies, and their effectiveness in adequately addressing the issues raised; fourth, a review of the various methods and tools employed elsewhere to ensure orderly growth and development, and to protect agricultural and rural areas; and finally, the development of recommendations to address the identified issues and achieve the stated goals.

Issue Identification

As might be expected, there were duplications and overlaps in issue identification among subcommittees, as well as through the listening sessions. There were also many concurring statements of concern, including the necessity of balancing individual property rights with community interests and goals. There was very little debate that uncontrolled growth is having a negative effect on the county and that considerations should be given to managing growth in a way or ways that will have a minimal adverse effect on agricultural and rural areas—protection of those areas if you will.

Obviously the more agreement there is on the issues, the easier and more acceptable it should be for solutions to be put into place. A sampling of some of the initial issues that were identified follows:

Issues Identified

1. Protecting lakes and streams, and water quality, is imperative.
2. There is currently no protection for agricultural uses, or from agricultural uses.
3. There are inadequacies regarding building standards; there are no inspectors; and there is a lack of code enforcement.
4. There are inconsistent subdivision regulations among jurisdictions.
5. Concern about the rights of property owners, as well as the rights of those adversely affected by uncontrolled, and incompatible development of adjacent properties.
6. There is a lack of land use plans.
7. There are no districts specifically identified for commercial and industrial development.
8. There were concerns about the adequacy of county road standards and that there is no county engineer.
9. There was concern about the lack of population density controls in rural areas.
10. Concerns with regard to possible declining property values resulting from incompatible adjoining land uses or restriction of land use alternatives.
11. There is a need to protect environmentally sensitive areas and endangered species.
12. The high cost of public services resulting from “urban” type development of rural areas.
13. Lack of site development standards in industrial, commercial, subdivision and residential properties.
14. Lack of uniformity and consistency among jurisdictions exercising authority over developments and infrastructure in rural areas.
15. Concerns over proper city/county coordination and cooperation in growth areas.

Goal Setting

The subcommittees each developed extensive lists of issues affecting unincorporated agricultural and rural areas that they felt warranted attention. Once developed, the subcommittees were asked to prioritize their comprehensive lists to four overriding issue, which were then transformed into goals. These lists and their condensed and prioritized goals are shown in their entirety in Appendix D.

In light of staff reports on existing rules, regulations and policies and their effectiveness (or lack there of) in addressing the issues raised the subcommittees narrowed their focus to their respective four most important objectives. These objections were subsequently reviewed and refined into the PARA Task Force goals:

1. Protect agricultural and rural areas and water resources
2. Guide county growth
3. Provide reliable quality governmental services
4. Provide and enforce uniform development codes among jurisdictions
5. Establish land use plan stressing use compatibility

More detailed explanations of the ultimate goals adopted by the task force is attached in Appendix E.

Growth Management Techniques

Growth management techniques were discussed in detail and subcommittees were asked to prepare individual reports on tactics and growth management techniques that would best achieve their respective goals (see attached subcommittee reports). Of the 19 growth management techniques identified, the following were considered to be most applicable PARA goal achievement. In no particular order, they are:

1. Adequate public facilities
2. Development design reviews (uniform codes)
3. Cluster and planned unit development
4. Agricultural protection zoning
5. Open space preservation techniques
6. Neighborhood conservation districts
7. Purchase of agricultural conservation easements
8. Transferable development rights
9. Countywide zoning

More detailed discussion of these management techniques is available from the NWA Regional Planning Commission; a brief summary of the techniques deemed applicable by the Task Force are presented in Appendix F.

Recommendations

Detailed recommendations of the task Force subcommittees are presented in Appendix G. These recommendations will form the basis for the draft ordinance(s) that PARA is charged to deliver to the Quorum Court by its December 8, 2005 meeting. The process will be comprised of the same weekly meeting schedule followed since June and will include four committee chairs and staff meetings and one interim meeting of the entire Task Force. Of course, as always has been the case, the entire Task Force is welcome to the committee chairs meetings.

Absent directions to the contrary the PARA Task Force will diligently proceed ahead toward achievement of the products called for in articles 5 and 6 of resolution 2005-15. There is no denying that rapid, relatively uncontrolled growth has serious negative consequences for Washington County's agricultural and rural areas. We are pleased to be of service to the Quorum Court in its efforts to chart an acceptable course and develop specific recommendations and solutions for addressing these difficult issues. As Judge Hunton so aptly stated at the beginning of this effort, "Doing nothing is not an option". The character, integrity, and viability of our agricultural and rural areas must be protected.

The intent of this PARA Task Force is and has been from the outset to structure as many voluntary and fully incentive-type and appropriate opportunities for the residents of Washington County to protect its agricultural and rural history and character while allowing for rational and agreed upon growth for our residents and our future generations.

Figure 1.

PARA TASK FORCE MEMBERSHIP

Established by County Resolution No. 2005-15

LEGAL ADVISER: George E. Butler, Jr., Esq.

Randy Laney, Co-Chair Washington County Planning Board	H. L. Goodwin, Jr., Co-Chair Washington County Quorum Court	Jeff Hawkins, Facilitator NWA Regional Planning Commission
Dr. Robert W. Allen Elkins School District	Thomas Unger City of Elkins	Jay Cantrell Washington County Sheriff's Office
Dwayne Webb Farmington School District	Jane Waters City of Elm Springs	Chris Coker Rural Fire Association
Michael Gray Fayetteville School District	Shane Hausam City of Farmington	Gary Streigler NWA Home Builders Association
Ron Brawner Greenland School District	Gary Dumas City of Fayetteville	Mike Tooley Board of Realtors
Jim Lewis Lincoln School District	Andy Bethell (Alt: Dick Seddon) City of Goshen	Greg McGee Ozarks Electric
Lanny Rice Prairie Grove School District	William Yoes City of Greenland	Shane Bell Prairie Grove Telephone
Dr. Jim D. Rollins Springdale School District	Richard Long City of Johnson	Mike Hays Arkansas Western Gas
Dr. Joe Walters West Fork School District	Lon Hudson City of Lincoln	Loyd Swope Central EMS
Herb Weyl (Alt. Ralph Moore) Farm Bureau Board	Larry Oelrich City of Prairie Grove	Joyce Bunch Citizen
Gary Proctor Cattlemen's Association	Patsy Christie City of Springdale	Jim Newberry Citizen
Buddy Moore Moore Septic Systems, Inc.	Paul Maestri City of Tontitown	Sam Culpepper Citizen
Dr. Mark Gross UA Dept. of Civil Engineering	Virgil Blackmon City of West Fork	Larry Palmer Citizen/Real Estate
Johnny Gunsaulis Cooperative Extension	Randy Jarnagan City of Winslow	Herman Jones Rural Development Authority
Gene Pharr Conservation District Board	Ken W. Knies Rural Financial Specialist	Josh Moore Washington Water Authority
Tom McKinney The Sierra Club	Rick Johnson County Health Department	
<u>County Staff/Resource</u>		
Juliet Richey , Planning Director John Jenkins , Fire Marshal Shawn Shrump , Environmental Affairs Frank Ditmars , Road Superintendent John Luther , Dept. Emergency Mgmt. Melissa Wonnacot , Health Department Berni Kurz , Cooperative Extension		

Figure 2.

PARA TASK FORCE SUB-COMMITTEES

June 20, 2005

<p><u>ECONOMIC DEVELOPMENT:</u> Industrial and Commercial</p> <p>Ken Knies, Chair Dr. Robert W. Allen Gary Dumas Paul Maestri Mike Tooley Jim Newberry Herb Weyl Staff: Berni Kurz</p>	<p><u>INFRASTRUCTURE:</u> Utilities/Roads etc.</p> <p>Josh Moore, Chair Thomas Unger Shane Hausam Greg McGee Mike Hays Jim Lewis Staff: Frank Ditmars</p>	<p><u>GOVERNMENT SERVICES:</u> Emergency Services/Solid Waste</p> <p>Dr. Joe Walters, Chair Andy Bethel William Yoes Herman Jones Jay Cantrell Loyd Swope</p> <p>Staff: John Jenkins, John Luther, Shawn Shrum</p>
<p><u>RESIDENTIAL SUBDIVISIONS:</u></p> <p>Jane Waters, Chair Ron Brawner Buddy Moore Dr. Mark Gross Larry Oelrich Gary Streigler Joyce Bunch Staff: Juliet Richey</p>	<p><u>QUALITY OF LIFE:</u></p> <p>Michael Gray, Chair Johnny Gunsaulis Rick Johnson Chris Coker Shane Bell Larry Palmer Staff: Shawn Shrum, Melissa Wonnacott</p>	<p><u>GROWTH AREAS:</u></p> <p>Gary Proctor, Chair Dr. Jim Rollins Richard Long Lon Hudson Patsy Christie Virgil Blackmon Staff: Juliet Richey</p>
<p><u>AGRICULTURAL/WATER QUALITY:</u></p> <p>Gene Pharr, Chair Dwayne Webb Lanny Rice Tom McKinney Randy Jarnagan Sam Culpepper Staff: Berni Kurz, Shawn Shrum</p>		<p><u>ADDITIONAL STAFF RESOURCES:</u></p> <p>George Butler, County Attorney John Gibson, County Administrator</p>

APPENDIX A

PARA Task Force Agendas

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MEETING OF THE
PROTECTING AGRICULTURAL AND RURAL AREA
(“PARA”) TASK FORCE

Wednesday, June 22, 2005

4:00 p.m.

5th Floor NE Conference Room, County Courthouse

A G E N D A

1. Call to Order.
2. Introduction of Co-Chairs.
3. Statement of Purpose (Reading of Resolution No. 2005-15).
4. Introduction of Task Force Members.
5. Name Sub-Committees & Make Assignments.
6. Judge Hunton Remarks (Overview of Current Issues).
7. Introduction of Resource Staff.
8. Sub-Committee Breakouts (To Discuss Approaches to Issues).
9. Sub-Committee Reports on Future Informational Needs.
10. Discussion Regarding Public Involvement & Input.
11. Scheduling of Meetings.
12. Adjournment.

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MEETING OF THE
PROTECTING AGRICULTURAL AND RURAL AREA
“PARA” TASKFORCE

Wednesday, June 29, 2005

4:00 p.m.

5th Floor NE Conference Room, County Courthouse

A G E N D A

1. Call to Order
2. Introduction of Co-Chairs
3. Introduction of (new) Task Force Members
4. The Process Ahead (Jeff Hawkins)
5. Sub-Committee Breakouts (Further Identification of Issues)
5. Sub-Committee Reports on Issues & Future Informational Needs (if any)
6. Scheduling of Meetings (Task Force, Sub-Committee Chairs & Public Listening Session)
7. Decentralized Sewers (Guest Speaker)
8. Adjournment

/kb

MEETING OF THE
PROTECTING AGRICULTURAL AND RURAL AREA
(PARA) TASK FORCE

Wednesday, July 13, 2005

4:00 p.m.

5th Floor NE Conference Room, County Courthouse

A G E N D A

1. Call to Order.
2. Where We Are (Jeff Hawkins).
3. Transportation Planning Impacting Washington County (John McLarty, NWARPC).
4. Sub-Committee Breakouts - 15 minutes (Finalization of Sub-Committee Objectives).
5. Report on Sub-Committee Goals and Objectives (Sub-Committee Chairs).
6. Report from County Staff on Status of Current Regulations:
 - < Juliet Richey, Planning Director
 - < Melissa Wonnacot, Health Department
 - < John Jenkins, Fire Marshal
 - < Shawn Shrum, Environmental Affairs Officer
 - < Frank Ditmars, Road Superintendent
 - < John Luther, Dept. of Emergency Management Director
7. The Process Ahead (Jeff Hawkins).
8. Public Comment.
9. Adjournment.

/kb

MEETING OF THE
PROTECTING AGRICULTURAL AND RURAL AREA
“PARA” TASK FORCE

Wednesday, July 27, 2005

4:00 p.m.

5th Floor NE Conference Room, County Courthouse

A G E N D A

1. Call to Order.
2. Status Report.
3. Meeting Objective: Alternatives to land use planning and regulations to get handle on growth in Washington County.
4. Sub-Committee Breakouts (15-minutes).
5. Report from Sub-Committee Chairs.
6. Report on National Association of Counties Meeting.
7. Upcoming Listening Session – Monday, August 1, at 7:00 p.m.
8. Next Meeting Objective: Decision on strategic approach to meet PARA objectives.
9. Public Comment.
10. Adjournment.

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MEETING OF THE
PROTECT AGRICULTURAL AND RURAL AREAS
“PARA” TASK FORCE

Wednesday, August 24, 2005

4:00 p.m.

5th Floor NE Conference Room, County Courthouse

A G E N D A

1. Call to Order.
2. Review of PARA Task Force Goals. (2.1)
3. Review of Growth Management Techniques Applicable to the PARA Goals. (3.1)
4. Mechanisms to Protect Agriculture in Rural Areas – Janie Hipp, University of Arkansas.
5. Open Discussion by Task Force Members Regarding Previous Agenda Item.
6. Discussion on Future Meetings.
7. Public Comment Period (15-minutes).
8. Adjournment.

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MEETING OF THE
PROTECT AGRICULTURAL AND RURAL AREAS
“PARA” TASK FORCE

Wednesday, September 14, 2005

4:00 p.m.

5th Floor NE Conference Room, County Courthouse

A G E N D A

1. Call to Order.
2. Status Report and Meeting Objective.
3. Presentation of Committee Reports on Tactics to Achieve Goals Using Growth Management Techniques and Agricultural Protection Methods.
4. Open Discussion on Committee Reports.
5. Next Meeting Objective. The next full Task Force meeting is September 28. Report presentation to Quorum Court is on October 13
6. Upcoming Listening Session – Monday, October 3, at 7:00 p.m.
7. Public Comment Period (15-minutes).
8. Adjournment.

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MEETING OF THE
PROTECT AGRICULTURAL AND RURAL AREAS
“PARA” TASK FORCE

Wednesday, September 28, 2005

5:00 p.m.

5th Floor NE Conference Room, County Courthouse

A G E N D A

1. Call to Order.
2. Status Report and Meeting Objective.
3. Presentation of Remaining Committee Reports on Tactics to Achieve Goals Using Growth Management Techniques and Agricultural Protection Methods.
4. Open Discussion on Report to Quorum Court.
5. Next Meeting Objective. The next full Task Force meeting is October 12. Report presentation to Quorum Court on October 13.
6. Upcoming Listening Session – Monday, October 3, at 7:00 p.m.
7. Public Comment Period (15-minutes).
8. Adjournment.

/kb

APPENDIX B

Summary of Current Planning

Shortcomings

Land development within Washington County can be divided into three primary categories:

- **Exemptions**
- **Subdivision – Preliminary and Final**
- **Large Scale Developments - Preliminary and Final**

Exemptions (land transactions exempt from the typical subdivision ordinance standards) were created to allow administrative review and approval of the distribution of land among family members and to expedite the review and approval process for subdivisions that have a low impact on existing County resources (will not require road improvements, etc).

Problems with exemption regulations:

- Staff feels that the Quorum Court should probably look over these regulations to determine if they are serving the purpose that the Court intended them to serve and if the Court still feels the same about the issues as it did in 1999... i.e., Does the Court still feel that persons should be able to subdivide up to four lots without adhering to regular subdivision rules (fire issues, road issues, etc.) or should it be more or less lots, etc.
- Many roads classified as “Residential Drives” exist in the County at this time. Unlike County roads, these roads do not have a regular maintenance schedule; although some Residential Drives may be serviced upon request when time allows.

Exempt splits are treated the same on a Residential Drive as they are on an accepted and maintained County Road. Each additional exempt split means the addition of impact on a road not regularly scheduled for maintenance, therefore leading to possible access problems.

Staff feels that a separate set of more stringent exemption regulations should perhaps be written to deal with splits along Residential Drives.

- The regulations should probably be updated to reflect the giving of appropriate ROW on County Roads (not currently required with exemptions) and other items needed by utility companies and staff so that the County can have the appropriate tools it needs to deal with future growth issues.
- There is a need for more stringent requirements for proof of relation when processing “Family Exempt Splits.” There is some evidence that unrelated individuals have taken advantage of this exempt clause in the past.

SUBDIVISIONS

Right now subdivisions are just a basic set of minimum standards. The minimum standards are broad and tentatively cover a lot of ground, but generally do not encourage different types of growth one way or another. Staff feels that the Court must begin to make decisions on what the “growth vision” of this County should be via regulations that encourage certain standards of growth.

Many rural residents have the preconceived notion that living in the country equates a larger lot size. As the county code stands right now, the minimum lot size is 10,000 square feet, roughly a quarter of an acre...Four lots to an acre is not what a lot of people think of when they think of rural living. This is an issue that has come up over and over at Planning Board meetings since I have been here. I realize that this was not such a large problem prior to the arrival of decentralized wastewater systems within the County, but that density *is* currently allowed and is being used...I think something the Court needs to think about is whether this is a good thing or bad thing... Again, what is the Court’s vision for this County? One option would be the creation of a stepped or categorized subdivision system based upon the density desired by the developer:

- If you want to build to the density of 4 lots per acre, then no problem, but to do that, you will need to meet a certain standard of criteria – for instance curb and gutter - green space dedication - etc.
- If you build a more rural section subdivision- you can have smaller roads, open drainage ditches, etc.

Broad/ minimum standards may have sufficed and worked well in the past, but now the County can use the density that the developers are asking for to get some things that the County needs...we just need to determine what those are... ie. Vegetative buffers around subdivisions, preserved green space, preserved agricultural land or woodlands, regional detention facilities, parks, playgrounds, etc? What are our needs, our wants...our vision?

Also, there are issues with private road developments- we need to decide where the County wants to go with this in the future. Private roads are a hazard as far as fire and emergency safety go and hazard in general. Usually only one or two property owners end up taking care of whole road. The Planning Office has had many calls about this over the last few months. Realtors also do not seem to understand the private road system and the ramifications to the property owner who buys/owns land on a private road. Many times realtors erroneously inform property owners/ purchasers that they are buying property along a county road, etc. This is misleading to the public.

The Court should also look at a different set of regulations to deal with small-scale subdivisions and replats. Right now the standards on the books for subdivisions are a blanket regulation treating all divisions of land (that do not qualify for the exempt

process)- be it 2 lots or 1,000 lots- the same. This is a financial issue for property owners who are not developers by trade.

Large Scale Developments

The Large Scale Development ordinance is written somewhat effectively to deal with issues pertaining to large mining/quarry developments. It is not written to effectively address the issues of general commercial developments over one acre (which fall under the ordinance's jurisdiction).

The Quorum Court should begin to look at what does the Court think should qualify as a LSD and what sort of regulations can be enforced under the current staffing of the Planning Department?

At this point in time all that the ordinance allows staff and the Planning Board to look at is drainage and roads/traffic impact. Does the public/Quorum Court feel that is adequate review for areas within the Planned Growth Areas and the County? The current result is that developers/people who intentionally bypass a city's rules and ordinances will build in the County- sometimes directly adjacent to a city limit line. Does the Court feel that the County should be more stringent in planned growth areas and take up the slack the City cannot?

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APPENDIX C

Farmland Protection and Preservation

Farmland Protection & Preservation

Janie Simms Hipp Rogers, J.D., LL.M. (Agricultural Law)

University of Arkansas Cooperative Extension Service

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Fayetteville, AR 72701

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jhipp@uark.edu

August 24, 2005: Presented to Washington County PARA Task Force

- **Farmland Protection & Preservation**
- Early 1990s – 30 million farms in U.S.
 - By 2000 – less than 2 million
 - Causes:
 - **Changes in structure of agriculture**
 - **Fewer, larger farms**
 - **Technology impact**
 - **Fewer farmers needed for farming work**
 - **Conversion of farmland for residential and commercial development**
- 1940s – 1.2 billion acres of land in farms
- By 1992 – 945 million acres
- Conversion rate of approximately 1 million acres/yr

Farmland Protection & Preservation

- 1970s - State and local farmland protection programs began to appear
- 1981 – USDA conducted the National Agricultural Lands Survey
 - **Found U.S. loses about 3 million acres of agricultural land/year**
- 1981 – Farmland Protection Policy Act passed by Congress
- 1994 – Federal regulations adopted to implement the Farmland Protection Policy Act

Farmland Protection & Preservation

- Why Protect Farmland?
 - **Ensure food security**
 - **Create economic opportunity**

- **Invest in community infrastructure**
- **Protect natural resources**
 - Farmland loss can = environmental problems
 - Water quality concerns associated with development
 - Soil erosion
 - Loss of wildlife habitat
- **Sustain quality of life**

• **n** What the critics say...

• **n** **Let the market decide**

• **n** **Why worry? We have plenty of farmland**

Farmland Protection & Preservation

- Major Farmland Protection Activities/Tools
 - **Tax Incentive Programs**
 - **Right-to-farm legislation**
 - **Agricultural protection zoning**
 - **Purchase of agricultural conservation easements program**
 - **Agricultural districts program**
 - **Transfer of development rights program**
 - **Growth management program to protect farmland**
 - **Protect farmland by enhancing ag profitability**

Farmland Protection & Preservation

- Federal Tools:
 - 1981 Federal Farmland Protection Policy Act
 - “minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses”
 - Intent to ensure federal programs are compatible with state and local government and private programs to protect farmland
 - 1990 Farm Bill – “Farms for the Future” programs
 - Authorized federally subsidized loans to state and local governments for purchase of agricultural conservation easements on farmland

Farmland Protection & Preservation

- **Farms for the Future Program**
 - **Federal loan guarantees to match state investment in PACE on a 2:1 basis**

- PACE: Purchase of Agricultural Conservation Easements
- Example Vermont pilot program:
 - Borrowed \$23.5 million 1993 – 1995
 - State acquired easements on 44,000 acres of farmland
- **Superseded by “Farmland Protection Program” – 1996 Farm Bill**

Farmland Protection & Preservation

- 1996 Farm Bill authorized \$35 million for purchase of agricultural conservation easements or other interests in prime and unique farmland
- NRCS administered program
- State and local governments invited to apply for 50/50 federal matching funds to pay for farmland protection transactions
- First round: \$14,325,000 awarded to 37 programs in 17 states (around 80k acres protected)
- 2000 Farm Bill also authorized funds for farmland protection
- Will farmland protection funds be in the 2007 Farm Bill?
- Federal funds run out quickly

Farmland Protection & Preservation

- **State and Local Tools & Techniques**
- **Tool #1: Executive Orders (State or Local)**
 - Creation of state level task forces on farmland protection
 - Creation of PARA-like local/regional task forces for farmland protection
 - **Purpose of executive orders**
 - To promote consistent policy on agriculture and farmland protection

Farmland Protection & Preservation

- **Tool #2: State Growth Management Laws**
 - **Control timing and phasing of urban growth**
 - **Determine types of land use permitted at local and regional levels**
 - **Comprehensive approach to regulate pattern and rate of development**
 - **Set policies to ensure new construction is concentrated within designated growth areas or boundaries**

Farmland Protection & Preservation

- **Identify lands with high resource value & protect those lands from development**
- **Some laws require that public services (water & sewer) be in place before development approved**
- **Direct local governments to make decisions in accordance with comprehensive plans**
- Several states have growth management laws (Oregon most aggressive) but only a handful address farmland conversion
- Each state addressing farmland conversion imposes different controls in protection of land

Farmland Protection & Preservation

- **Ex: Oregon**
 - **County officials must inventory farmland and designate it for ag in comprehensive plans**
 - **County governments must enact exclusive ag protection zoning and other f'land protection policies**
 - **City governments required to establish urban growth boundaries**
 - **Every county has implemented ag protection zoning**
 - **16 million acres have been protected as of 1997**

Farmland Protection & Preservation

- **Ex: Washington**
 - **Growth Management Act (state law) – 1990**
 - **Strengthened in 1991**
 - **All counties designate important ag land**
 - **All must adopt regulations to ensure land uses adjacent to farm/ranch land do not interfere with agricultural operations**
 - **Fast growing counties/areas must adopt detailed plans for protection of natural resource areas**
 - **County plans must be consistent with all adjacent city plans**
 - **No urban services extended beyond boundaries of urban growth areas.**

Farmland Protection & Preservation

- **Ex: Hawaii**
 - **Statewide land use plan – four zones**
 - **One designated zone for agriculture**
 - **Ag zone – 2 million acres – much of the land is used for recreation and open space**

- Only 0.5 million acres actually in ag use in 1997
- No farmland protection role for local governments

Farmland Protection & Preservation

- Ex: Vermont
 - 2 growth management laws
 - State review of commercial, industrial and residential development projects that meet certain criteria
 - Developers must minimize loss of primary agricultural soils
 - Developers may satisfy requirement by paying a fee – funds used for purchase of ag conservation easements
 - Second law: encourages local gov't to develop plans guiding regional planning and decision making
 - Enhancement of local control over land use decisions

Farmland Protection & Preservation

- Tool #3: Comprehensive Planning
 - Allows counties, cities, towns and townships to create vision for joint future
 - Encompasses master or general plans
 - Outlines local policies
 - Identify objectives and decision guidelines
 - Serves as blueprints for development
 - Identify areas: ag, forestry, resid., commercial, industrial, recreational
 - Provide rationale for zoning & promote orderly development of services

Farmland Protection & Preservation

- Tool #4: Agricultural Protection Zoning
 - APZ – local government land use control
 - Segments counties, cities, townships and towns into areas devoted to specific land uses
 - Establishes standards and densities for development within those zones
 - Stabilizes the ag land base
 - Identifies areas where farming is primary land use and discourages other land uses in those areas – limits activities within those areas
 - Restricts density of development
 - Some contain right-to-farm protections within zones
 - May require farmers within zones to prepare farm management plans

Farmland Protection & Preservation

- APZ is most often implemented at the county level

- Some towns and cities have APZ zoning
- Modified through local political process
- Changes in zoning may affect market value of land by limiting development in an area

Farmland Protection & Preservation

- APZ – pro and con
 - Pro
 - Inexpensive way to protect large land mass
 - Separates farms from non-ag land uses
 - Reduces likelihood of conflicts between farmers and non-farming neighbors
 - Prevents suburban sprawl and reduces infrastructure costs
 - Implemented relatively quickly (different from PACE and TDR)
 - Easy to explain to public
 - Flexible – if economic conditions change, zoning can be modified

Farmland Protection & Preservation

- APZ –
 - Con
 - Not permanent – rezoning and comprehensive upzoning can open up large areas of ag land for development
 - Generally may reduce land values – decreases farmers’ equity in land – farmers sometimes don’t support APZ for this reason
 - May be difficult to monitor and enforce on a day-to-basis
 - County APZ ordinances don’t protect ag land against annexation by municipalities
- First validated zoning as legitimate exercise of police power in the 1920s
- Still spotty regarding counties with agricultural zoning capabilities/authority
- Runs headlong into private property rights issues – takings of private property through regulatory action
- Generally APZ statutes are in the upper NE, West, Upper Midwest and East states

Farmland Protection & Preservation

- APZ –If APZ ordinance is the way to go – questions to be answered?
 - Supported by comprehensive plan and local policies
 - Purpose clearly stated
 - Regulations correspond to the stated goal
 - What land is included in the APZ zone – is it the best farmland
 - Does ordinance restrict non-farm development adequately and encourage farming
 - What non-farm uses prohibited – are ag related businesses allowed
 - Does ordinance prevent or minimize conflicts between farmers and non-farmers
 - Clear criteria for rezoning – clear enforcement process

Farmland Protection & Preservation

- Tool #5: Cluster Zoning
 - **Allows or requires houses to be grouped close together on small lots to protect open land**

- **Portion of parcel not developed may be restricted by conservation easement**
- **Can keep land available for ag use – generally not designed to support commercial agriculture**
 - May not have large enough areas for farmers to operate efficient
 - May have access problems
- **Best used to preserve open space or create transitional areas between farms and resid. areas**

Farmland Protection & Preservation

- **Tool #6: Mitigation Ordinances/Policies**
 - **Ordinances requiring developers to permanently protect one acre of farmland for every acre of ag land converted to other uses**
 - **Developers place ag conservation easement on farmland in another part of the city/county**
 - **May also satisfy mitigation by paying fees – funds used then to purchase easements**
 - **Makes developers pay for farmland conversion as opposed to restrict property rights of farmers**
 - **Guided by overall policy of “no net loss of farmland” contained in a comprehensive plan**

Farmland Protection & Preservation

- **Tool #7: Incentive Based Programs**
 - **Differential Assessment Laws**
 - Improve economic viability of agriculture by reducing amount of money farmers are required to pay in local real property taxes – also known as current use assessment, current use valuation, farm use valuation, use assessment and use value assessment – most states have these laws
 - **Circuit Breaker Tax Relief Credits**
 - Tax credits to offset farmers’ real property tax bills
 - Only a few states have these programs
 - School tax credits from local governments - counties/cities reimbursed from state fund
 - Some states require landowners sign 10-year restrictive agreements preventing farmland conversion in order to take advantage of tax credits

Farmland Protection & Preservation

- **Tool #8: Right-to-Farm Laws**
 - **Each state has these laws – began in 1960s**
 - **Intended to protect farmers/ranchers from nuisance lawsuits filed by neighbors moving in after the ag operation was established**
 - **Generally passed during early waves of suburbanization**
 - **Usually require the ag operation to be in existence substantially unchanged for a period of time (1-3 years)**

- Some states' right-to-farm laws restrict local governments from enacting ordinances that impose unreasonable restrictions on agriculture
- Some require farmers use generally accepted ag management practices to gain protection

Farmland Protection & Preservation

- Right-to-farm laws
 - State policy to protect commercial agriculture as an important activity
 - Support economic viability of farming by discouraging neighbors from filing lawsuits
 - Unclear whether right-to-farm laws help maintain land base in farming
 - Local governments are also beginning to enact right-to-farm laws – mixed success – some challenged on authority of local areas to protect farmers
 - Some require notices be placed on the deed to all properties in agriculture areas warning potential buyers that they may experience noise, dust, odors and other farming related activities

Farmland Protection & Preservation

- Right-to-farm laws
 - **Hallmark is protection from nuisance suits**
 - Usually based on generally accepted management practices and/or compliance with all relevant laws, including permit requirements
 - Protection from complaints that arise from changes in the neighborhood
 - **Some also contain protection from unreasonable local regulation**

Farmland Protection & Preservation

- Right-to-farm laws – when determining passage of these laws
 - What type of protection should be provided
 - On what basis should the protection be grounded
 - What type of farming operation should be protected
 - When should operations be entitled to protection
 - Where should farms be located in order to be entitled to protection
 - Which agricultural practices should be protected
 - Zoning vs. health, safety and welfare powers
 - Years in place before protection granted (1-3 is the norm)
 - Usually don't protect "substantial" expansion – some allow expansion
 - Usually don't protect farms if the farm was a nuisances at its inception or is operated in a negligent manner
 - Some jurisdictions are incorporating farmers' entitlement to legal costs for frivolous lawsuits

Farmland Protection & Preservation

- Right-to-farm laws
 - **At least one jurisdiction requires that any controversies arising from inconveniences or discomforts associated with agricultural activities go to mediation before proceeding to court**

- **Grievance committees issuing advisory decisions hear controversies**
- **Can proceed to court after go through this first step designed to address neighbor-to-neighbor conflicts before they become full blown lawsuits**

Farmland Protection & Preservation

- **Tool #9: Conservation Easements**
 - **Limit land to specific uses and protect it from development**
 - **Voluntary legal agreements**
 - **Created between private landowners (grantors) and grantees such as:**
 - **Qualified land trusts**
 - **Conservation organizations**
 - **Government agencies**
 - **Grantors may receive federal tax benefits from donating easements**
 - **Grantees responsible for monitoring land and enforcing terms of the easement**

Farmland Protection & Preservation

- **Easements may apply to entire parcels or specific parts of property**
- **Most are permanent – some might be term easements for a limited number of years (no income tax deductions)**
- **All CE are legally binding on future landowners**
- **Land remains on tax rolls and is privately owned and managed**
- **Limits property development but does not affect other private property rights**
- **All states have a version of the Uniform CE Act of 1981**

Farmland Protection & Preservation

- **Agricultural Conservation Easements**
 - **Designed specifically to protect farmland**
 - **Grantors retain right to use their land for farming or other purposes consistent with agriculture viability**
 - **Grantors hold title to their property**
 - **Grantors may restrict access to property, sell, give or transfer property as they desire**
 - **Grantors who are farmers also remain eligible for state or federal farm programs**

Farmland Protection & Preservation

- **Usually very flexible**

- **Usually administered by land trusts or other conservation-based organizations (third party)**
 - Education role
 - Maintenance and monitoring role
- **May encompass state and local government purchase of ag conservation easements**
- **May also incorporate measures to protect other natural resources, such as wetlands or wildlife habitat**

Farmland Protection & Preservation

- **Tool #10: Purchase of Agricultural Conservation Easement Programs**
 - **PACE programs**
 - **Landowners sell agricultural conservation easements to governmental agency or private conservation organization**
 - **Paid the difference between the \$ of the land for agriculture and the \$ of the land at its “highest and best” use – generally residential or commercial development**
 - **Value generally determined by professional appraisals – some use numerical scoring system that evaluates suitability for agriculture**

Farmland Protection & Preservation

- **PACE – role of state and local governments**
 - **Some states have laws allowing local governments to create PACE programs**
 - **Other states have enacted PACE programs implemented, funded and administered by state agencies**
 - **Some states work cooperatively with local government to purchase easements**
 - **Some states have appropriated funds for use by local government and private nonprofit groups**
 - **Some local governments have created their own PACE programs in the absence of any state action**

Farmland Protection & Preservation

- **PACE – state/local programs have advantage over independent state or local programs**
- **Cooperative programs allow broad policies and criteria for protecting ag land**
- **Allow statewide approach and understanding as opposed to local, sometimes piecemeal approach**

- Cooperative programs allow
 - state to set policy while county selects farms they believe are most critical to viability of local agricultural concerns and
 - county to monitor easements once in place

Farmland Protection & Preservation

- Nationwide, PACE programs are very popular
- Insufficient funding to purchase conservation easements nationwide
- Available money is used quickly
- If federal government re-appropriates funds for these programs in the future, usually tie use of those funds to a demonstrated commitment to farmland protection
- PARA work now could mean federal funding later

Farmland Protection & Preservation

■ Pros & Cons of PACE

■ Pro:

- Protects farmland permanent, regardless of who owns the land
- Participation is voluntary
- Can be implemented by state or local governments or by private organizations
- Provides farmers with cash – helping with economic side of farming in urban-influenced areas
- Can protect ecological as well as agricultural resources

Farmland Protection & Preservation

■ PACE – Pros and Cons

■ Con:

- Can be expensive to accomplish and administer
- Rarely protect enough land to eliminate development pressure on unrestricted farms
- Purchase of easements can be time-consuming
- Monitoring and enforcement of easements requires ongoing investment of time and resources

Farmland Protection & Preservation

- PACE program funding sources
 - State appropriate
 - Federal Farmland Protection Program
 - Lottery proceeds

- State bonds
- Appropriation from capital fund
- Agricultural transfer tax
- Portion of real estate transfer tax
- Withdrawal penalties from state circuit breaker program
- Cigarette taxes
- County allocations
- Municipal bonds
- Bounty budget reserves

Farmland Protection & Preservation

- Issues to address in setting up a PACE
 - What kind of farmland to protect, which areas to target and how to set priorities
 - What kind of restrictions to put on use of land
 - How much to pay for easements
 - How to raise purchase funds
 - How to distribute state funds among local jurisdictions
 - How to administer the program
 - How to monitor and enforce easements

Farmland Protection & Preservation

- Tool #11: Transfer of Development Rights
 - Allow landowners to transfer the right to develop one parcel of land to a different parcel of land
 - Generally established through local zoning ordinances
 - Protect farmland by shifting development from agricultural areas to areas planned for growth
 - When development rights are transferred, the land is restricted with a permanent agricultural conservation easement
 - Also known as “transfer of development credits” (TDR)

Farmland Protection & Preservation

- TDR – distinction between TDR and PACE:
 - TDR programs involve the private market
 - Most TDR transactions are between private landowners and developers
 - Local governments approve transactions and monitor easements

- Some jurisdictions have created “TDR banks” that buy development rights with public funds and sell them to developers and other private landowners

Farmland Protection & Preservation

- TDR – legislation may be required
 - May need special state legislation authorizing local governments to create TDR programs
 - Some states won’t give local governments such authority
 - Some counties and towns have created TDR programs anyway, without special legislation
 - Local governments need to work with their attorneys to determine whether other provisions of state law allow them to use TDR

Farmland Protection & Preservation

- TDR - TDR programs more complex and generally less satisfactory in protecting farmland
- TDR programs can be complex and must be carefully designed to achieve their goals
- Political will to maintain and implement strong zoning ordinances and planning departments with the time, knowledge and resources to administer complex land use regulations

Farmland Protection & Preservation

- TDR – Pros and Cons
 - **Pro:**
 - Protects farmland permanently, regardless of ownership
 - Participation is voluntary – landowners are never required to sell their development rights
 - Promotes orderly growth by concentrating development in areas with adequate public services
 - Allows landowners in ag protection zones to retain equity without developing land
 - Market-driven technique – private parties pay to protect
 - Can be designed to accomplish additional goals – protect environmentally sensitive areas, promote growth in certain areas, etc.

Farmland Protection & Preservation

- TDR – Pros and Cons
 - **Con:**
 - Technically complicated and require significant investment of time and staff resources to implement
 - Unfamiliar concept in most states

- Public education campaign necessary
- Pace of transactions depends on private market for development rights – if real estate market is depressed, few rights will be sold and little land protected

Farmland Protection & Preservation

- TDR – types of transfers
 - Same owner, same parcel transfers (cluster zoning)
 - Lot merger
 - Transfer of development rights between adjacent properties in same ownership
 - TDR between non-adjacent tracts in same ownership
 - TDR to non-adjacent tracts in different ownership in same local jurisdiction
 - TDR from parcels in designated rural “sending area” to non-adjacent tracts in different ownership in designated “receiving area” in same locality
 - TDR from parcels in “sending area” to non-adjacent tracts in different ownership in designated “receiving area” in different locality

Farmland Protection & Preservation

- **Tool #12: Agricultural District Laws**
 - Allow farmers to form special areas where commercial agriculture is encouraged and protected
 - Authorized by state legislatures and implemented at local level
 - Enrollment and creation is voluntary
 - If created, the farmers within the district receive a package of benefits which varies from state to state

Farmland Protection & Preservation

- Ag Districts: Examples of benefits (Pro)
 - May contain automatic eligibility for differential assessment
 - Protection from eminent domain and municipal annexation – some allow tax relief and protection from local regulations
 - Able to protect large blocks of land, stabilize land base at low public cost
 - Limits on non-farm development
 - May hinge to eligibility for state PACE programs
 - May contain enhanced right-to-farm protection*
 - This enhancement is suspect after Iowa Supreme Court decision struck down portions of Iowa’s enhanced right-to-farm protection as an unconstitutional taking

Farmland Protection & Preservation

- **Ag districts – Drawbacks**
 - Sanctions for withdrawing land may not be strong enough to discourage conversion

- Limits on non-farm development may not prevent expansion of public serves such as water and sewer lines into ag areas
- In some states, the benefits provided are not enough incentive for farmers to enroll
- In some states, the procedure for creating is long and complex

Farmland Protection & Preservation

- Ag District – how do these laws work?
 - Farmers who desire to form a district apply directly to local governments
 - Local governments review and approve applications, some require sending to the state for final approval
 - Local governments may be required to develop plans to protect agriculture and farmland before farms may apply to create ag district

Farmland Protection & Preservation

- Ag Districts
 - Some states have laws allowing local governments to create their own programs; others do not
 - Use a combination of incentives to achieve same goals as regulatory strategies
 - Instead of controlling land use like APZ ordinances – offer farmers benefits for keeping land in agriculture
 - Most ag district laws don't require local governments to plan and zone for agriculture as do comprehensive planning/growth management laws
 - Instead set up circumstances where farmers themselves may advocate and become involved in local planning

Farmland Protection & Preservation

- Some ag district infrastructures allow for creation of county land preservation and use commissions
 - Include farmers, extension agents and representatives from soil and water districts
 - Instructed to inventory land, natural resources and public infrastructure
 - Develop land use plans for unincorporated regions of counties
 - Plans submitted to local boards for approval

Farmland Protection & Preservation

- **Iowa law:**
 - **Farmers petition circulated to create ag district**
 - **Referendum vote requiring majority of landowners**
 - **If passes, then ag district created**
 - **Creates protective bubble around a zone of land**
 - **Again, suspect in some regards due to enhanced nuisance law protections**

Farmland Protection & Preservation

- **Tool #13: Create profitable agriculture**
 - **Some argue that the best way to protect farmland is to keep farming profitable**
 - **Programs that support and enhance economics of agriculture**
 - **Marketing efforts for agricultural products**
 - **Promotion of educational and recreational services provided by farmers**

Farmland Protection & Preservation

- **Profitability of agriculture**
 - **Ordinances that require use of locally grown produce in products marketed under a local or regional label**
 - **Napa Valley wines need Napa County grapes**
 - **County winery ordinance**
- **Videos to promote local agriculture**
- **City and town sponsorship of farmers' markets, roadside stands and u-pick operations – help in advertising these farms**
- **Development of public commercial kitchen facilities to serve as incubators for farm-based food businesses**

Farmland Protection & Preservation

- **Profitability of agriculture**
 - **Some states have programs that tie economic assistance for farmers to land protection**
 - **State helps with management, marketing, product research and development and pollution prevention activities on farms**
 - **In exchange for 5- or 10-year covenants prohibiting development**

- Tie these protections and programs to grants of up to \$40k to implement new business plans, technologies and marketing strategies

Farmland Protection & Preservation

- Addressing the concerns of environmental protection related to development of agricultural land
 - **Water quality impacts associated with development**
 - **Soil erosion**
 - **Loss of wildlife habitat**
- Some states are linking soil and water conservation grants to farmers who enroll in agricultural districts
- NYC buys agricultural conservation easements on farms in its watershed to protect drinking water quality & supports a nonprofit organization that helps farmers implement ag best management practices
- Some states provide regulatory relief to those farmers and ranchers who make efforts to create and enhance wildlife habitat

Farmland Protection & Preservation

- Minimizing conflict between farmers and other rural/suburban residents
 - **Few ordinances completely successful**
 - **Difference in what people think farming is and what it really is**
 - Noise, dust, odors, equipment, etc.
 - **Some ordinances require buyers of land in agricultural areas to be notified that agriculture is the primary economic activity in the area and that they may experience inconvenience or discomfort arising from accepted agricultural practices**

Farmland Protection & Preservation

- Agricultural realities
 - **Some jurisdictions require a written notice recorded on the deeds to new homes:**
 - “in accepting this deed, grantees do hereby acknowledge that the surrounding land is agriculture in usage and subject to agricultural practices; and grantees, and their heirs...are precluded from complaining, seeking damages and/or attempting to enjoin the use of the property for ...agricultural purposes...because of nuisance which may result from such practices as long as generally accepted farming practices are followed...further recognized that farming operations may include disruptive noises and light for 24 hours per day during crop planting and harvesting...this condition and agreement shall run with the land” (Indiana)

Farmland Protection & Preservation

- Agricultural realities
 - **Ensure people who purchase houses in the zone will put up with inconveniences caused by agriculture**

- **Help farmers build a legal defense if they are sued**
- **Idaho residents in one county required to sign a “natural resource easement” when they purchase land in an agricultural area – explicitly acknowledges their neighbors’ right to farm**
- **Some jurisdictions require setbacks of established size between new homes being build close to farming**
 - **New farming operations must also comply with setbacks from existing residences (Indiana)**

Farmland Protection & Preservation

- **Additional tools for Ag Economic Development**
 - **Planning for agricultural viability = planning for farmland preservation/protection**
 - **Loan programs & economic development incentives**
 - **Marketing improvements**
 - **Farmers markets, direct markets and agri-tourism**
 - **Marketing to restaurants and food retailers**
 - **Diversification**
 - **New products and marketing strategies**
 - **Grower cooperatives**
 - **Reducing the costs of production**
 - **Business planning & capital investment**

Farmland Protection & Preservation

- **American Farmland Trust (1997 & updates)**
 - **Saving American Farmland: What Works**
 - **The Five “I”**
 - **Identification; inventory; investigation; integration and implementation**
- **USDA ERS Report (2002)**
 - **Farmland Protection: The Role of Public Preferences for Rural Amenities**

Farmland Protection & Preservation

- **Presented to the Washington County PARA Task Force**
- **August 24, 2005**

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APPENDIX D

Preliminary Task Force Sub-committee Goals

OBJECTIVES

PARA TASK FORCE COMMITTEES

INFRASTRUCTURE:

1. Uniform development codes and procedures among jurisdictions.
2. Provisions for needed engineering and inspections services.
3. Procedures for acquisition of R.O.W. & utility easements; and corridor protection measures.
4. Controlling growth by the availability of utilities and infrastructure.

AGRICULTURE/WATER QUALITY

1. Protecting agricultural land, forests, and farms.
2. Protecting water resources.
3. Enforcement of existing (as well as future) statutes relative to items 1 & 2 above.
4. Implementation of new measures, as needed, to achieve items 1 & 2 above.

GOVERNMENT SERVICES

1. Adoption and enforcement of fire and building codes for unincorporated areas.
2. Effective enforcement of laws relative to junkyards, illegal dumping, and burned-out or dilapidated structures.
3. Provision of adequate emergency services (police, fire, etc.) to keep pace with increased demands resulting from growth.
4. Uniformity in the types, levels, and frequency of solid waste services.

ECONOMIC DEVELOPMENT

1. Consistency among jurisdictions in defining “large scale development;” and uniformity in the application of procedures relative to such developments.
2. Minimize impacts of commercial and industrial land uses through development of a clustering concept.
3. Direct urban type uses to urban areas, and where adequate infrastructure can be provided or already exists.
4. Encourage methods to direct how, where, and what growth occurs.

RESIDENTIAL SUBDIVISIONS

1. Development of a land use plan, not inconsistent with other jurisdictions.
2. Consistency and uniformity of development standards among jurisdictions.
3. Development of measures to control residential densities, and provide a diverse supply of housing for all income levels.
4. Encourage development where infrastructure and public services are available, or can economically be made available.

QUALITY OF LIFE

1. Protect the environment, as well as visual aesthetics and scenery.
2. Minimize negative effects between incompatible land uses, and ensure adequate transition between adjacent land uses and development intensities.
3. Minimize development in environmentally sensitive areas.
4. Balance individual property rights with community interests and goals.

GROWTH AREAS

1. Concurrence among jurisdictions as to respective growth area boundaries.
2. Ensure county planning and regulatory consistency with adopted city plans and regulations for unincorporated fringe areas.
3. Identification of rural and agricultural areas that should be protected and/or preserved.
4. Adoption of a county road plan identifying future needs.

PARA COMMITTEES - GOALS & OBJECTIVES

GOVERNMENT SERVICES COMMITTEE:

1. Illegal dumping; junkyards; junky houses; mandatory trash pickup.
2. Fire protection - size of water lines to increase capacity.

3. Rural Fire Issue - Cooperation between smaller towns and insurance ratings.
4. Sewer system/maintenance.
5. Tax districts for RMEs.
6. Public utility model - study.
7. Development without consulting emergency services.
8. Lack of building code requirements in unincorporated areas.
9. Display of 9-1-1 address, house numbers, etc., for timely delivery of emergency services.
10. Do current funding levels support the overall population growth?
11. Decrease in grant funding.
12. Road use and county sheriff's department.
13. Animal Control Issues
14. Water funding/fire plugs (Herman), USDA funding.
15. Solid Waste.
16. Models used in other growing communities in the United States.

ECONOMIC DEVELOPMENT COMMITTEE:

General Objectives:

- T Maintain balance in our recommendations (smart growth, environmental, community preservation and compatibility with city/community planning).

- T Offer a clear and concise set of recommendations relative to our county's economic development.

- T Maintain flexibility (choice) in our rural communities' economic development options.

Specific Objectives:

1. Establish a classification system for different types of industrial and commercial permits. This will allow the County Planning Board to expand on the definition of large scale development. Enhance authority levels on the planning board to modify permitting based on factors including regulatory, environmental, health and safety.

2. Develop a cluster concept for classified industrial and commercial groups to minimize their impact on rural residents and communities. Plans can be developed to enhance traffic patterns for trucks and heavy equipment in areas outside the populated residential development. Place (site) cluster areas to minimize community impact yet allow for best utilization of (existing and future) infrastructure.

3. Develop recommendations that maintain choice (options) for communities in developing and establishing commercial and industrial areas. These can enhance a local community's tax base for community and school revenues.

GROWTH AREAS COMMITTEE:

- Identify growth areas.
- Regulations from other areas that have been through this type of growth.
- Need regulations in growth areas that are similar for all areas.
- Impact of growth on infrastructures.
- Impact Fees.
- Identify rural and agricultural areas that need to be protected.
- Ways to protect farms and rural areas from developments around it that do not like or are unfamiliar with agricultural practices.
- Need for county road plan that identifies roads needed for future.
- Agricultural land trusts.
- Rural area land trusts.
- Zoning to Protect Areas
- Buffering around agricultural areas.
- Ways to recover costs for infrastructure improvements by developers and/or city/county taxpayers.

RESIDENTIAL SUBDIVISIONS COMMITTEE:

T Begin studying and open up for discussion Land Use Planning/Zoning in un-incorporated areas, particularly focusing on the appropriateness of varying densities, and development types; i.e. rural subdivisions as opposed to suburban subdivisions.

T Study the importance of insuring developed density occur where infrastructure and services are adequately available.

T Work on comprehensive subdivision/development regulations for the county including but not limited to:

1. Review minimum lot sizes;
2. Review adequacy of current setbacks from roads and property lines;
3. Look into a requirement for buffers where different types of development or uses may conflict due to close proximity;
4. Look at a varying infrastructure and/or road standards based on the density of the subdivision or development.

QUALITY OF LIFE COMMITTEE:

1. Question we ask ourselves, "What would make Washington County the ideal place in which to live?"
 - A safe adequate supply of water;
 - Safe comfortable structures in which to live;
 - Good infrastructures- roads, sewer, police and fire protection, etc.
2. Illegal dumping must stop. Control of trash issues at construction sites; burning debris at construction sites; abandoned vehicles, hazards as well as eyesores.
3. Adequate rules and regulations that safeguards all qualities of life.
4. Jobs.
5. Education - more high tech jobs are needed to replace blue collar workers and farm hands.
6. Recreation facilities.
7. Affordable housing.
8. Lot sizes in subdivisions.
9. Traffic flow/congestion/non-flow of traffic.

AGRICULTURAL/WATER QUALITY COMMITTEE:

1. Look at water quality in a broad sense. Get copies of any water studies that have been done in the County. Example: Moore's Creek.
2. Construction run-off is silting up streams in the Beaver Lake area.
3. What is the future of agriculture in the County?
4. Look at what has been done in other areas to preserve agricultural land from development:
 - a. American farmland trust may be a good resource.
 - b. EPA website, type in small growth.
5. Look at property rights of land owners and land use restriction.
6. Trash dumped on the side of roads is a major problem in rural areas. It was suggested that more county-wide clean-ups would give people a chance to economically get ride of stuff and would reduce dumping.
7. Odor from farming may stir up complaints from new residents in the County. Protection will be needed for farmers following normal good farming practices.
8. Logging operations that are not following voluntary BMP's may be causing stream bed erosion.
9. Protecting the Beaver Lake and Illinois Watersheds must be a high priority.
10. Rampant growth and paving of land will result in storm water issues.
11. Regulations need to look at ways to have personnel attached to carry them out.

INFRASTRUCTURE COMMITTEE:

1. Charges for assessment of casting infrastructure.
One time fee per trip or cost/hour possibly to cover basics.
2. Recoup costs for cost share for road improvements, developers, etc.
3. BS & UE included – 25'

Existing setback be utilized as UE; also in Planning Regulations.
4. Lot splits need to have BS & UE dedicated at planning submittal time.
5. Accessibility of lots within subdivision - lot access from inside lot vs lots access off existing streets
6. Questions on bonding of subdivisions - Performance Bonds 100% of cost; 50% Maintenance Bonds

APPENDIX E

PARA Task Force Adopted Goals

PARA TASKFORCE GOALS - Revised September 14, 2005

Goal 1: Protect Agricultural and Rural Areas and Water Resources

Identify agricultural and rural areas, including water resources and environmentally sensitive areas, needing protection and protect them from adverse effects of conflicting developmental uses.

(formerly committee objectives Ag 1 & 2, QL 1 & 3 and GA 3).

Goal 2: Guide County Growth

Encourage development where and when adequate infrastructure can be reasonably and economically supplied in a timely and reliable manner.

(formerly committee objectives I 3 & 4, ED 3 & 4, Sub 4 and GA 4).

Goal 3: Provide Reliable, Quality Governmental Services

Provide adequate and reliable services (water, emergency services, solid and liquid waste) to the residents of Washington County.

(formerly GS 3 & 4 and I 2)

Goal 4: Provide & Enforce Uniform Development Codes Among Jurisdictions

Establish, implement and enforce, to the extent possible, uniform development codes (fire, building, planning, health and safety) among jurisdictions and municipalities in Washington County and enforce and implement new codes or statutes related to Goal 1.

(formerly I 1, GS 1 and 2, ED 1, Sub 2, Ag 3 & 4 and GA 1 & 2).

Goal 5: Establish a Land Use Plan Stressing Use Compatibility

Develop a land use plan consistent with other jurisdictions that:

- stresses uniformity in uses;
- resolves conflicts among competing uses;
- minimizes the adverse affects of “urbanized” sprawl and
- ensures adequate protection of uses in areas of transition between rural/urban or other areas of differing development intensities.

(formerly ED 2, Sub 1 & 3, and QL 2 & 4).

APPENDIX F

Applicable Growth Management Techniques

Growth Management Techniques

Revised at PARA Chair Meeting on October 5, 2005.

Techniques thought to be most applicable to PARA Goal achievement

- *Agricultural Use Planning- Generally effective in preventing conversion of farmland. There are many methods in which to achieve effective use planning.*
- *Purchase of Agricultural Conservation Easement- Generally effective and popular with farmers for the preservation of farmland.*
- *Planned Unit Developments and Development Design Review- Creating standards with which to respond to the environments and issues of individual tracts of land and avoid the effect of blanket regulations.*
- *Neighborhood Conservation Districts- A tool for neighborhoods or groups of neighboring property owners to use to achieve shared conservation goals of many types.*
- *Countywide Zoning- This tool is thought to be an overriding or “umbrella” technique that can address many of the other techniques mentioned herein.*

Techniques thought to be somewhat applicable to PARA Goal Achievement

- *Cluster Development- Use of flexible density standards to cluster structures/ homes in one area of a development, thus preserving open space. Usually applied to single-family subdivisions.*
- *Growth Phasing- Phasing of growth in relation to capital improvement projects and general infrastructure.*

APPENDIX G

Subcommittee Recommendations

Government Services Committee
Suggestions for PARA Goals #3 and #4

September 10, 2005

**PARA Goal #3: Provide Reliable, Quality
Governmental Services**

Provide adequate and reliable services (water, emergency services, solid and liquid waste) to the residents of Washington County.

PARA Goal #4: Provide and Enforce Uniform Development Codes Among and Within Jurisdictions

Establish, implement and enforce, to the extent possible, uniform development codes (fire, building, planning, health and safety) among jurisdictions and municipalities in Washington County and enforce and implement new codes or statutes related to Goal 1.

- Goals #3 and #4 will require additional revenue in order to effectively implement, enforce, and provide the increased “governmental services” necessary to accommodate the extraordinary growth within Washington County. Revenue sources from the State and local levels should be explored.

- Goals #3 and #4 would benefit from Washington County adopting and enforcing uniform Fire Codes and the Southern Building Code.

- Goals #3 and #4 would benefit from exploring the possibility of creating a single county-wide emergency services department, a single county-wide solid waste department, and a single county-wide fire department.

/kb

Quality of Life Committee

Tactics to Achieve PARA Goals

September 13, 2005

PARA Goal #1: Protect Agriculture and Rural Areas

Tactic 1: Enactment of local ordinances that will provide the necessary enforcement powers to make certain uniform plans of development are enforced.

Tactic 2: Once identified the sensitive areas would be protected by the enacted ordinances.

PARA Goal #2: Guide County Growth

Tactic 1: Develop a uniform plan of development for growth based on ability to meet the basic needs for the area. These basic needs are: Potable water, adequate sewage disposal, and police and fire protection.

Tactic 2: A minimum lot size must be in place for all developments.

PARA Goal #3: Provide Reliable, Quality Governmental Service

Tactic 1: Adequate impact or user fees must be developed so funding will be available to meet the needs of the area.

PARA Goal #4: Provide and Enforce Uniform Development Codes Among and Within Jurisdictions

Tactic 1: Development of a working committee, with a representative from all city and county groups that exercise their planning

authority. This group would be given the task of developing uniform codes for our County.

PARA Goal #5: Establish Land Use Planning Plan Stressing Use Compatibility

Tactic 1: The committee set up under Tactic 1 of Goal #4 can develop the framework under which this can occur.

Report for the Subdivision Subcommittee

PARA Taskforce- September 2005

October 6, 2005

1. **(Addressing Goals 1,2,5)** Existing Subdivision codes should be amended to address certain levels of infrastructure requirement based on the developers proposed density level of the site.

These infrastructure requirements could be any of the following once the subdivision reaches a certain density level:

- Curb and gutter,
- Open space requirements,
- Buffering of exterior subdivision boundaries,
- Road and drainage requirements (possible mandatory detention),
- Preventative environmental measures (buffering around existing or created streams or waterways on or adjacent to the site).
- Other infrastructural issues (see number 5).
- Possible density levels recommended:
 - a. Rural lot- 2 acres minimum in size

- b. Suburban lot- 1 acre minimum (septic allowed only on suburban and rural lots)
 - c. Urban lot- 8000 square feet minimum
- Possibly limit private roads to 2-3 lots maximum
 - Work to streamline County requirements to coincide with Health Department regulations.
2. **(Addressing Goals 1 and 5)** Subdivision codes should be amended to reflect possible incentives for development promoting cluster development (leaves adequate open space to be leased for farm activities: grazing, crop cultivation, etc).

Use of Density averaging (instead of using straight density requirements (lot size)- take an entire piece of land and divide by number of units proposed; factoring in green space and preserved open spaces.

Incentives could be the following:

- Rapid review time by County,
 - Reduced processing fees,
 - Other monetary incentives as determined feasible by the County Attorney, State and local law.
3. **(Addressing Goal 4)** The County should work with Cities within planning areas to develop unified development codes (including subdivision) with that City when possible. Should be addressed by County working individually with each city within the County to assess particular needs.
4. **(Addressing Goal 4)** The County should look into working with Cities to address building code enforcement at some level. Possible solutions may include inter-local agreement permitting or inspections services, contract inspection services, or other means of building code enforcement as allowable by state and local laws (should be reviewed by County and City Attorneys).

5. **(Addressing Goals 1 and 5)** Along the lines of infrastructure, trade offs for regional drainage area detention basins could be incorporated into planning/subdivision regulations. A lot of jurisdictions are now looking at regional detention as a better fix than individual basins, which when designed site specific don't always work within the scope of the larger drainage basin. The large regional basins can be utilized as park land and green space in many instances. A developer could offer up low-lying area for these types of projects in trade of the incentive of being allowed a more dense development on the unpreserved lands.

 6. **(Addressing Goal 3)** Amending the Subdivision regulations to Establish Minimum water line sizes, and minimum established fire flows should be established based on the density and number of lots being proposed in line with the Stat Fire Code Appendix requirements.
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Goal 1: Protect Agricultural and Rural Areas, and Water Resources

Identify agricultural and rural areas, including water resources and environmentally sensitive areas, needing protection and protect them from adverse effects of conflicting developmental uses.

(formerly committee objectives Ag 1 & 2, QL 1 & 3 and GA 3).

Goal 2: Guide County Growth

Encourage development where and when adequate infrastructure can be reasonably and economically supplied in a timely and reliable manner.

(formerly committee objectives I 3 & 4, ED 3 & 4, Sub 4 and GA 4).

Goal 3: Provide Reliable, Quality Governmental Services

Provide adequate and reliable services (water, emergency services, solid and liquid waste) to the residents of Washington County.

(formerly GS 3 & 4 and I 2))

Goal 4: Provide and Enforce Uniform Development Codes Among Jurisdictions

Establish, implement and enforce, to the extent possible, uniform development codes (fire, building, planning, health and safety) among jurisdictions and municipalities in Washington County and enforce and implement new codes or statutes related to Goal 1.

(formerly I 1, GS 1 and 2, ED 1, Sub 2, Ag 3 & 4 and GA 1 & 2).

Goal 5: Establish Land Use Plan Stressing Use Compatibility

Develop a land use plan consistent with other jurisdictions that:

- stresses uniformity in uses;
- resolves conflicts among competing uses;
- minimizes the adverse affects of “rurbanized” sprawl and
- ensures adequate protection of uses in areas of transition between rural/urban or other areas of differing development intensities.

(formerly ED 2, Sub 1 & 3, and QL 2 & 4).

Agricultural and Water Quality Committee

Recommendations

1. We recommend that the county work with the three other counties around Beaver Lake to put into effect a Water Shed Protection Area to implement the Arkansas Source Water assessment plan. - No Growth Management Technique applicable
2. We encourage the formation of a watershed protection group of all the Illinois River Watershed to address pollution from all sources. Testing the various streams in the watershed to determine where problems may originate would be a good way to direct efforts to improve problems. - Growth Management. Technique - Neighborhood Conservation District?
3. Consider implementing Agricultural Protection Zoning areas to protect adjoining farms from incompatible uses such as Quarries, housing developments, industrial developments, mines, etc. There would need to be a process where Agricultural areas could be changed to these uses after public input. - Growth Management Technique - Agricultural use planning
4. We recommend a Right to farm Ordinance to protect farmers who are following generally accepted good management practices from nuisance lawsuits. - Growth Management. Technique - Agricultural use planning
5. Encourage the use of Conservation easements and other devices to allow landowners to voluntarily sell development rights to protect the rural character of the land. - Growth Management Technique - Purchase of Agricultural conservation easements.
6. We recommend that all developments throughout the county be subject to NPDES Storm Water Standards. Surface run off from developments and construction sites must be managed to prevent erosion and resulting damage to farmland and water resources.
- No Growth Management Technique applicable

7. We recommend the establishment of a county enforcement division with the authority to implement and enforce environmental regulations to protect adjoining landowners and the waters of the county. - No Growth Management Technique applicable

8. We recommend that an education position be funded to develop and promote programs to increase awareness of water quality, environmental awareness, and agricultural conservation. - No Growth Management Technique applicable

GP 9-12-05

PARA Taskforce Recommendations
Economic & Industrial Development Sub-Committee
November 1, 2005

The Economic and Industrial Development Sub-Committee of the PARA taskforce in Washington County offers the following recommendations relative to our work:

1. We recommend that communities utilize a “**Cluster Concept**” as it related to economic and industrial development in Washington County. This can be further defined with an industrial classification system to identify various classes of businesses in terms of impact to residential communities, schools and other community amenities. These entities should be located in areas consistent with existing and planned infrastructure, including roadways, trash disposal, nuisance guidelines, etc.
2. Our recommendation is to ensure that any future commercial or industrial development in the county be completed in a manner consistent with any existing planning. We do not intend to “re-invent the wheel” as it relates to existing planning or community planning in process. **These PARA recommendations should promote community planning that is consistent and complimentary with local community efforts.** The local communities know best what works in their respective areas.

3. **A county-wide mapping effort** has been reviewed as a part of our work. The goal of this is to identify and recommend areas that appear to be consistent with the above-referenced recommendations. A map will be included available to the committee chairs.

4. Our recommendation is to offer a reasonable set of guidelines that reflect a cooperative effort between county and local community planning. We also have had many discussions centered around the environmental impact of industrial development. While the details behind the variety of environmental issues are beyond the scope of this sub-committee, **we do recommend and encourage that all future industrial development strive to meet or exceed existing environmental regulations.** Water usage and conservation has been specifically referenced on many occasions through-out this effort.

Growth Areas Committee
PARA Taskforce- October 2005

1. Identify appropriate growth areas for commercial industrial and residential development focusing particularly on potentially incompatible or conflicting uses.
2. Identify agricultural and rural areas within extended planning areas needing protection.
3. Establish agricultural buffer areas to facilitate continued operation of current enterprises.
4. Gather and catalog planning strategies and regulations from other areas similar to Washington County.
5. Investigate use of construction easements.
6. Assess county road plans and identify future road needs.
7. Explore ways to recover infrastructure costs necessary for growth area development to ease burden on current taxpayers.
8. Investigate implementing various incentive measures for conservation and agricultural easements within growth areas, including but not limited to concepts presented in Professor Hipp's presentation and those endorsed by the American Farmland Trust.