

ADOPTED

FILED

SEP 22 2011

2011 SEP 23 AM 11:16

RESOLUTION NO. R-2011-29

TENA O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION APPROVING A LAND USE AND DEVELOPMENT GUIDE

WHEREAS, the County Master Plan Committee has created a Land Use and Development Guide, which is attached hereto as Exhibit "A," and

WHEREAS, the Land Use Guide has been reviewed and approved by the County Planning Board, and

WHEREAS, the Land Use Guide has been reviewed and considered through the Legislative Committee and the Committee of Thirteen of the Quorum Court,

NOW, THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF BENTON COUNTY, ARKANSAS:

ARTICLE 1. That the Land Use and Development Guide attached hereto as Exhibit "A" is hereby approved.

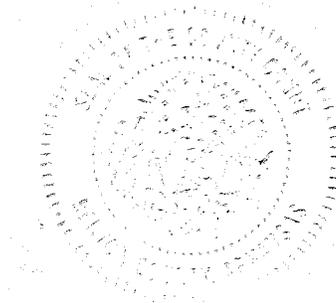
ADOPTED AND APPROVED this 22nd day of September, 2011.

APPROVED:


ROBERT CLINARD, COUNTY JUDGE
DATE SIGNED: Sept 23, 2011

ATTEST:


TENA O'BRIEN, COUNTY CLERK
SPONSOR: JP Dan Douglas
ADOPTED: September 22, 2011
Votes for: 7 Against: 5
Abstain: Present: Absent: 1



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TERRY CLARK
CLERK & PROBATE CLERK
BENTON COUNTY



BENTON COUNTY

Land Use and Development Guide

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SECTION I: INTRODUCTION

Pursuant to A.C.A. 14-17-201 et seq, the Benton County Quorum Court hereby adopts a County Plan to:

- Provide a basis for making decisions concerning development in the unincorporated areas under its jurisdiction; this being all areas outside the declared planning jurisdictions of the municipalities within the county.
- Coordinate and give direction to public and private development.
- Protect the agricultural and rural residential flavor of the county and the environment.
- Balance community interests and goals with individual property rights.

The quorum court recognizes the need to encourage a logical and orderly development of the lands within the county's jurisdiction.

The county plan is a long-term policy and planning tool to be used as a guide to the future development of the area, and as such, it provides a consistent framework within which individuals and public officials can make development decisions, knowing that they are all working toward common, compatible goals. The plan sets forth how the physical environment should be developed for the health, safety, convenience, prosperity and welfare of the people of the county. It is the intent of the plan to provide for each of the respective components necessary for land use and development controls.

The plan will consider incorporated communities' development plans, jurisdictional areas and regulations, and plan and act accordingly.

It is for these purposes that the county plan has been developed and adopted.

SECTION II: SUMMARY OF MAJOR CONSIDERATIONS

In an effort to attain the type of development desired by county leaders and citizens alike, the following matters should be considered.

1. Retain the agricultural nature and rural residential character of the county through proper development regulations; while at the same time recognizing the need for industrial land uses, principally where adequate utilities, roads, and other infrastructure exists or will exist. This will allow for future industrial, commercial and rural residential land usage that will minimize incompatibility with agricultural, residential, and other interests.
2. Commercial development must be weighed according to its impact on agricultural and residential areas.
3. Ensure protection of the county's natural environment, floodplains, watersheds, and natural resources and features.
4. Adequate Roads and other infrastructure should be considered in the development process.
5. Establish a minimum lot size of one (1) acre.
6. Ensure that all county plans are consistent, to the extent possible, with state plans and other related regional, county, and municipal plans in order to avoid inconvenience and economic waste, and to assure a coordinated and harmonious development of the county, region, and state.
7. Single family and agricultural land use is granted as a right and all other use applications will be reviewed as conditional uses. Compatibility should be one of the major criteria.

SECTION III: PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

1. RESIDENTIAL

Several goals surfaced as paramount in the committee meetings. These include:

- a. Provision of a safe living environment that offers quiet, privacy and a rural flavor and atmosphere.

- b. Provision of quality residential development of good design, developed in a manner accessible by an adequate street system to avoid costly infrastructure extensions.
- c. Protection of residential areas from incompatible adjacent land uses.
- d. Protection of property values
- e. Provision of safe and adequate access to residential areas, installed in a manner to accommodate emergency and other services.

To achieve these goals it is essential to:

- a. Provide for development of residential areas at appropriate densities.
- b. Update, administer and enforce subdivision regulations; and develop, adopt, and enforce related regulations and codes.
- c. Protect residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls.
- d. Ensure land use and development patterns which provide for the most efficient and effective use of available utilities and services, including fire protection.
- e. Maintain a county road plan and standards to guide and accommodate traffic movement; to develop differing categories of roads; and to protect rights-of-ways for planned, future roads.

2. COMMERCIAL

Again, the goal of retaining the rural aspects of the county should remain a priority. Other goals to be met in general commercial land use are:

- a. To minimize commercial development where inadequate or substandard infrastructure exists.
- b. To discourage the indiscriminate mixing of commercial development into residential and agricultural areas.

In order to realize these goals, the county should take the following actions:

- a. Adopt regulations to guide commercial development.
- b. Encourage planned, integrated commercial areas.
- c. Adopt codes to insure safe and sanitary development.

- d. Restrict the location of new general commercial development to certain conditions.
- e. Assure traffic safety by guaranteeing sufficient off-street parking, off-street loading facilities and well-located ingress and egress points.
- f. Provide adequate physical screening, and open areas to serve as a buffer between the commercial uses and abutting residential or agricultural areas.

3. INDUSTRIAL

The chief goals for industrial development are:

- a. Allocate land in sufficient quantity, where infrastructure exists, or will exist, so that industrial growth can be accommodated. Encourage the protection of industrial land from encroachment by non-industrial uses.
- b. Provide for ample utilities and services to support industrial development.

These goals can be achieved through the following actions:

- a. Adopt development regulations and standards to provide for quality industrial development;
- b. Ensure adequate services, utilities and accessibility.
- c. Insulate industrial sites from other activities by location or buffers.
- d. Require provision of ample off-street parking and loading space.

4. AGRICULTURE

- a. Protect agricultural lands and uses as a valuable resource.
- b. Encourage retention of the agricultural character and rural nature of the county.

This objective should be met by the identification of agricultural areas and the enforcement of regulatory mechanisms to minimize and avoid the effect of incompatible adjoining uses.

B. TRANSPORTATION INFRASTRUCTURE

To establish an effective manner of transportation of people and goods throughout the county, an efficient well-balanced system of transportation is required. The various roads and the quantity and type of traffic they handle have a substantial impact on the adjoining and surrounding property.

The following are traffic policy goals and the actions that may be necessary to achieve them:

1. Logical development of the county requires:
 - a. Protection of public assembly areas and recreational areas from through traffic.
 - b. Providing adequate access to commercial areas of the county by way of routes avoiding residential and agricultural areas.
2. Safe and efficient movement of people and goods requires:
 - a. That an assortment of roads be provided, specifically designed to serve the variety of particular traffic needs in the area.
 - b. That each thoroughfare, and the parking associated therewith, be designed with adequate capacity to accommodate anticipated traffic.
 - c. That thoroughfare be planned so that commercial traffic is, to the extent possible, kept off residential roads.

It should be located and designed to serve, but not disrupt, existing and future work and living areas, and shopping/leisure areas. In return, land use areas, densities, and activity centers should be located in anticipation of transportation service requirements.

Since the various roads and the traffic they handle have a great impact upon the adjacent and surrounding property, it is recommended that roads should be classified into the federal/state Functional Classification System, and designed in accordance with the functions they perform in the overall road network.

C. SEWAGE COLLECTION AND TREATMENT SYSTEMS

Benton County does not currently have a sanitary sewage collection and treatment system. As such, individual on-site systems or decentralized sewer systems are necessary. With regard to such systems, goals are to:

- a. Insure a healthy, sanitary and non-polluting environment for county residents by making every effort to ensure that on-site wastewater systems and decentralized sewer systems are adequately regulated and maintained.

- b. Assure that malfunctioning systems that are observed by, or brought to the attention of county officials, are immediately referred to the Health Department and/or ADEQ for prompt action and repair.

The county should establish and implement policies to assure adequate operation, upkeep and care of decentralized sewer systems. Such policies may include Improvement District Bonds, Completion Bonds and other regulatory means to accomplish these goals. Through regulatory measures, every effort should be made to assure the most effective method of wastewater treatment is provided in all developments.

SECTION V. CONCLUSION

Benton County's Plan for Land Use and Development is intended to convey county government's determination as to how unincorporated areas should be developed and appear at some reasonable future date. These policies put forth goals for land use such as protection of agricultural lands, retention of the rural character of the county, and encouragement of growth patterns that will sustain the county's natural environment, open spaces, and water resources.

To achieve these goals, county government must be able to plan the future use of land to see that the plan is carried out. The plan will restrict, provide for, and guide development where appropriate. Land use regulations may perform these functions. They provide development guides and standards, establish certain restraints and constraints on development, and offer inducements to encourage better design and land use.

Federal, state and local regulations establish the legal and substantial process of controlling the division and development of property, and set forth design standards relating to suitability of land, public access, conformance to plans, streets and easements, utilities, drainage, sediment and erosion control, and so forth. These regulations may also be employed by county government as a means to achieve county plan goals. Coordination with cities that exercise planning and subdivision authority in their territorial jurisdiction is imperative. Pursuant to law, the county has a review and comment role and responsibility in these areas, with subdivision approval authority resting with the respective city exercising such subdivision authority with certain exceptions as provided by law.

While county government has the power to regulate land use through conventional means, it should also be open to the use of new growth management and land use development tools.

The county plan is a forward-looking document with the authority to regulate through the cooperation of the Planning Board, elected officials and general citizenry. These parties should consult and use the plan frequently and diligently. It should be updated routinely to reflect changes in the needs of those it is intended to serve.

Benton County can encourage and effectuate logical and orderly development of land in unincorporated areas within its jurisdiction by effective use of the County Plan. Furthermore, the county can continue to strive for and maintain the high quality of life its rural citizens currently enjoy.



Benton County Judge

Adopted by the Quorum Court on SEP 22 2011