

**Draft Regulations**  
**Frequently Asked Questions – Chapter 4**  
**Version 1.0 – April 5, 2013**

**Chapter IV**

**Q: You have proposed a system of four land use types. Isn't this just a way to introduce zoning to Benton County?**

A: Not at all. Zoning does use land use in determining what uses should be allowed in zones but we are not proposing any zoning districts for Benton County. In fact, a system for land use regulation has been recommended by a conservative policy institute based on compatibility which is what they consider a better alternative to zoning. This is a system that I believe fits Benton County very well as a largely rural and agricultural community and basic land use simplifies this system to make it viable to implement here.

**Q: Why are you mandating a minimum lot size?**

A: Firstly, the County adopted Land Use Guide calls for a minimum lot size of one (1) acre. Also, most lots in the county are or will be on septic to serve the development and a minimum one (1) acre is often necessary for a septic tank and field, a secondary field, and sufficient distance from these two improvements from a water well.

**Q: Why are you establishing performance standards? This is just too much regulation and an awful lot like zoning.**

A: We understand your concerns and while performance standards can be used in zoning (i.e. Lane Kendig's concept of "Performance Zoning"), the reason for suggesting their use in Benton County is precisely to avoid zoning. Zoning frankly would be a far easier and simpler tool to reasonably regulate land uses to avoid incompatibility. However, lacking zoning, the best alternative would be to develop a robust performance-based system to insure that nuisances can be controlled or abated. We have recommended a less robust "primitive" performance system that lacks much of the measuring metrics that a more "precision" type of performance system would have where we actually require strict measurements for specific nuisances. The reason we've recommended this less robust system is due to cost to implement and the hardship it could place on applicants. This is why we have to tie the system to land use since land use categories often suggest certain nuisances.

**Q: Why are you suggesting a Development Review Committee? Isn't this just a glaring example of an additional layer of government?**

A: Not at all. The idea for a Development Review Committee is based on two things:

1. Improving Customer Service – We believe that it will shorten the time line for applicants and get decisions made sooner, and

2. Coordinating Review Agencies – We are looking for a way to get better feedback from the appropriate agencies we need to provide comments on applications.

Presently, we spend a lot of time seeking feedback from the various agencies that we require comments from such as the Road Department, Health Department, fire departments, and so on. Some agencies respond quickly and some slower or sometimes not at all. Some responses are detailed and others cryptic. We recommend establishing a regularly scheduled meeting here in the Planning office where representatives of each agency would attend and hear a presentation by the applicant and make comments so that the applicant would be able to make the most comprehensive and accurate application possible. This is intended to shorten time frames for review since their application will be much more complete and require fewer or no revisions.