

## Chapter 8

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## Land Use Concepts 8.1

Property rights are a basic cornerstone of the American way of life. Each citizen wants to maintain the right to determine property use. At the same time, each person's property rights are tempered by the rights of their neighbors, the laws of the land, and the public good.

Incorporated areas turn to zoning in order to minimize conflicts between property owners within densely populated areas. Residents of rural areas, such as unincorporated McDonald County, are seldom willing to trade their self-regulation for zoning controls. There is no authority granted by the citizens of unincorporated McDonald County for zoning regulations and no desire or intention by the Planning Commission to seek such authority.

- **The McDonald County Planning Commission is charged with directing the future of this county without resorting to zoning regulations.**
- **The challenge to the Planning Commission is to find reasonable means to address issues which affect the well being of citizens and protect our environment.**

McDonald County is undergoing a prolonged period of population growth and the trend is toward a continuation of that process into the foreseeable future. With growth comes changes which challenge traditional methods for meeting the needs of citizens. Systems are in place which address operations of schools, law enforcement, and other needs of the community. There are few provisions in place which address the capital improvements required by a rapidly expanding population.

Citizens view growth through concerned eyes. Some want growth stopped or at least discouraged rather than accommodated and encouraged. Others look forward to expanded job opportunities and cultural amenities enjoyed by larger cities. While some citizens take satisfaction in knowing that the value of their land is increasing should they decide to sell, others lament that the land has become too valuable to farm and is being broken into smaller parcels. There is concern about the environment; about a way of life that could be lost; water quality, availability, and contamination; new schools needed; traffic congestion and hazards; sprawling suburbs; trash disposal; and the list goes on.

The Land Use chapter of the comprehensive plan addresses these issues in relation to our resources and attempts to preserve and enhance the quality of life of our citizens and preserve our environment by influencing the way development occurs in McDonald County.

## Preserving Rural Lands 8.2

County residents who live in rural areas have chosen a way of life which they cherish. Preserving that lifestyle is one way to preserve the quality of life in McDonald County. Following are characteristics of a rural lifestyle.

- ◆ Open-space and elbow room.
- ◆ Peace and quiet.

- ◆ Fewer neighbors.
- ◆ Farm heritage and rural character.
- ◆ Natural beauty of rural lands.
- ◆ Healthy sense of community.
- ◆ Habitation by children, wage earning families, and retired people.
- ◆ Ability to farm, raise crops, animals and livestock.
- ◆ Availability of wildlife.
- ◆ Compatibility of land uses.
- ◆ Rural freedom, opportunity and property rights and values.

The rural character of McDonald County is an attraction to an increasing number of new residents, threatening the very qualities which draw people to rural life. The lower cost of land north of the Arkansas state line attracts developers into this rural area which does not have the infrastructure required to support such development. Urban transplants often expect amenities which are not available in rural areas such as paved roads and convenient shopping. Conflicts can arise between new residential areas and adjacent farms over smells, sounds and farm practices.

- **In the event of a conflict between residential uses and normal, routine practices of commercial agriculture in rural areas, McDonald County supports agriculture where it is evident that the agricultural practice is consistent with or equivalent to recognized best management practices as recommended by state agencies.**
- **Lands in the one-hundred year floodplains are only appropriate to low-intensity land uses such as open space corridors or agriculture.**
- **The expansion of urban growth areas in flood plain areas should be discouraged.**
- **Flooding, aquifer recharge, improved water quality, water for human consumption, and fish habitat should be considered when determining areas for development.**

McDonald County has historically enjoyed abundant and diverse fish and wildlife populations. Smallmouth bass fishing in the waterways of McDonald County are among the best in the state. Hunting seasons bring both recreation and a quality food source for citizens.

- **Maintaining healthy fish and wildlife populations is a vital goal in maintaining the quality of life and natural environment in McDonald County.**
- **The Planning Commission encourages the concentration of growth in urban areas.**

This allows for efficient provision of services and preservation of rural areas as quiet, open spaces where development pressures are not such that regulations would be needed. A distinct boundary is desirable between rural and urban areas, discouraging sprawl, maintaining desired rural lifestyles, and conserving agricultural land.

Urban areas where infrastructure needs are greatest and are, therefore, most cost effective to provide should be identified. Having the necessary water, sewer, roads and other infrastructure will draw development away from the rural areas into more appropriate locations. Some developments do not bring enough revenue to begin to pay for the new infrastructure needed to support that development.

It is more cost efficient to build new infrastructure than to maintain old infrastructure. Nevertheless, because the cost of building new infrastructure is extraordinarily high, it cannot be accomplished without support from businesses requiring those services. Where possible, new infrastructure costs may be partially offset by state and federal grants, as well as local efforts.

- **It is important to the citizens of McDonald County that they not be required to subsidize private business needs through increased taxes.**

Property rights are an important issue in McDonald County. People want to use their land as they wish as long as it doesn't conflict with the rights of others. It is not necessary that the preservation of property rights and protection of the environment conflict with one another. We must look for ways to achieve all of these things to protect the community's general interest.

### **AGRICULTURE and TOURISM 8.3**

Agriculture is the number one industry in McDonald County, and tourism ranks number two. Both of these industries are vital to the maintenance of the economy and quality of life for residents here. Both are also reliant on keeping the natural resources and beauty of this county intact. Preserving the rural qualities of McDonald County is essential in order to ensure these industries endure.

Farms in McDonald County are home to generations, traditions, wildlife, and new ideas. They help provide a diverse, unique character to life here. While the majority of this county's farms have incomes less than \$10,000 per year, that income provides a substantial enhancement of the quality of life enjoyed by rural families. Farms also provide additional jobs within the community. Maintaining a strong farm economy is essential to the future of McDonald County.

Strengthening the relationships between farmers and local residents will contribute to the vibrancy of communities and the vitality of the local agriculture. A real benefit of agriculture derives from the attractive landscape it creates. Farms preserve open space and beautify the countryside, maintaining rural character and making communities more attractive to tourists and to employers. Farms operated following best management practices benefit the environment by protecting watersheds, enhancing wildlife habitat and bio-diversity. They contribute to community quality of life, and provide fresh, wholesome foods with superior taste and nutrition.

Agriculture is in transition in McDonald County – farms are decreasing in size, often giving way to development, sometimes moving away from the traditional model of agricultural business and toward a more intensive, value-added, direct market urban edge model. This

approach holds great promise for a successful future for local agriculture as the area population grows. It will be important to find ways to retain agricultural income, substitute local goods for imported products, and develop markets for local production. Supporting new farm ventures will help ensure farming as a way of life and valuable source of income in McDonald County.

## Subdivisions 8.4

One of the first effects of growth is the subdivision of lands. Subdivision regulations would help McDonald County regulate this process. Such regulations do not restrict the right of property owners to divide or sell their properties, rather it would establish the minimum standards which must be met in the process of subdividing that property. It would also require potential developers to meet the minimum standards for subdivisions as laid out by the County.

- **A critical need exists for county-wide standard regulations for the development of subdivisions in order to protect citizens of McDonald County.**

Property owners or developers are usually responsible for providing water and sewer. Most of the residential development in rural areas use individual on-site septic systems. A growing concern is that as the rural areas become more populated, groundwater and surface water quality may diminish. Because one of the contributors to groundwater contamination is failing septic systems, proper installation and maintenance become very important. We can promote better land use practices and protect water quality by encouraging landowners and developers to investigate and implement innovative septic system designs and stormwater management.

Subdivision ordinances are based on the police power of county government, i.e. the County Commission, the right of political entities to regulate in order to ensure the health, safety and general welfare of the community.

### **Three general goals exist in the establishment of subdivision regulations:**

- ◆ **Prevent premature, partial subdivisions which are poorly linked to the broader community.**
- ◆ **Prevent poor quality, substandard subdivisions with inadequate public facilities and infrastructure.**
- ◆ **Reduce financial uncertainty and risk to the investor, buyer and the community.**

Missouri Revised Statute 64.825 allows McDonald County to establish Subdivision Regulations. The McDonald County Planning Commission is in the process of preparing such regulations for the review and consideration of the County Commissioners.

These subdivision regulations will help to protect the rural nature of McDonald County and

encourage the orderly and beneficial development of all parts of the county while minimizing conflict concerning land uses. They will provide a guide to public policy and action in facilitating adequate provision for transportation, water, sewage, schools, parks, recreation, playgrounds, and other public requirements and help ensure the efficient provision of other public facilities.

Subdivision regulations establish reasonable standards of design and procedures for subdivision and resubdivision of land; provide for the orderly layout and use of land and also insure proper legal descriptions and monumenting of subdivided land. These subdivision regulations will also provide complete information as to what is required of developers before a plat is submitted to the Planning Commission and the steps that must be followed in order for the final plat to be approved.

Subdivisions should match development to the availability and capacity of public facilities and services. The regulations should be aimed to minimize the pollution of air and aquatic systems; to assure the adequacy of drainage facilities; to safeguard the water table; to encourage the proper use and management of natural resources throughout McDonald County in order to maintain the integrity, stability, and beauty of the community and the value of the land and water.

- **The McDonald County Planning Commission is currently preparing county-wide Subdivision Regulations as a separate document from the Comprehensive Plan.**
- **A primary goal is to preserve the natural beauty, rural lands, and open spaces of McDonald County and to insure appropriate development with regard to these natural features.**
- **School buses and emergency vehicles need adequate road width to service subdivisions.**

## Rural Crossroads Business 8.5

Small concentrations of businesses that provide goods and services near unincorporated or small population centers should be encouraged to serve the residents in the rural areas of McDonald County. Gas stations, neighborhood general stores, and restaurants would be examples of rural crossroad businesses.

Small and cottage businesses that minimally affect productive agricultural and forest land are essential in supplying jobs and income in rural areas.

- **Clustering of homes and businesses contribute to the preservation of rural open space areas by preventing sprawl and should be encouraged.**

## Open Space 8.6

As population increases in McDonald County, having open spaces, farms, forests, and waterways is becoming more precious to the residents of the county. Loss of open space is

perceived as an adverse impact to the quality of life.

- **Open space and the conservation of farm and timber land is essential to the quality of life in McDonald County.**
- **Retaining open spaces between and within cities will contribute to the quality of life.**

The county and incorporated communities would benefit by coordinating in developing Open Space Corridors in order to help preserve the quality of life desired by residents. Providing connector trails and public access, protecting wildlife habitat, and ensuring areas for recreation become more necessary as the population of the county continues to grow and urban areas continue to expand.

## Urban Growth Areas 8.7

Urban Growth Areas (UGA) within the county are areas to which growth should be directed. This represents an attempt to concentrate growth in accordance with projected needs. The goal is to ensure the county's quality of life, preserve private property rights and reduce unnecessary regulations. These areas are to include cities and other areas characterized by urban growth or adjacent to such areas, and are to be designed to accommodate the projected population growth for twenty years.

- **The Planning Commission encourages in-filling of existing areas with urban characteristics in a manner harmonious with present neighborhoods.**
- **The urban growth area is intended to be of sufficient size and location to provide an adequate housing supply for low and moderate income families, to allow for master planned and residential communities and long-term development.**
- **Any growth that occurs outside these Urban Growth Areas should be rural in nature.**

Urban growth should first be located in areas that already have public facilities and service capacity. The size of UGAs for cities needs to be consistent with their ability to provide services and infrastructure and include contiguous areas with urban characteristics. Cities should absorb additional population at appropriate urban densities before expanding into areas where growth would adversely affect open space and rural lands.

Urban Growth Areas should provide at least a minimum level of urban facilities and services, including sanitary sewer, water service, police protection, fire protection and emergency medical services, parks and recreation programs, solid waste management, electric service, land use controls, communication facilities and public schools, to support urban levels of development. Other desirable services include natural gas, storm drainage, street lighting, libraries, local parks, local recreation facilities and services, and health services.

Timing of required improvements and who pays for these improvements within urban growth areas are issues to be addressed between the county and cities. This is particularly difficult when costly infrastructure improvements are required within an urban growth area prior to annexation by a city.

Outside urban growth areas, the presence of urban levels of services such as water and sewer can put financial pressure on rural areas to develop more densely than desired. County-wide planning policy should be to discourage urban levels of water and sewer service for urban uses outside of urban growth areas.

The responsibility for construction of capital facilities, including transportation facilities to accommodate urban levels of growth, generally, should be assigned to cities. When timing requires installation of these improvements prior to annexation, interlocal agreements between McDonald County and cities should address costs and revenues.

## Industrial 8.8

Many residents in rural McDonald County depend on cottage industries, home occupations, small businesses, and natural resource-based jobs for their livelihood. These types of businesses support the local economy and are compatible with the rural lifestyle desired by county residents.

Light industry is another important contributor to the local economy. The establishment of a Business/Light Industrial Park or Rural Industrial areas would be beneficial to McDonald County's economy, but should be located in the appropriate area where industry does not negatively impact surrounding area uses or the environment and/or degrade water quality. The intent is to provide job opportunities close to unincorporated urban growth areas and incorporated communities.

- **Industry should be located in areas adequate for its use and away from residential centers, but within reasonable commuting distance.**
- **Light and heavy industrial uses are encouraged to locate in areas where:**
  - (1) **Access can be provided by major transportation networks such as roads and rail.**
  - (2) **Existing development is character-sized by and/or compatible with industrial activity.**
  - (3) **Utilities, including electric, gas, water and sewer, can be adequately provided, either as extensions of municipal facilities (e.g. by service contract) or by on-site facilities.**

Most potential industrial employers wishing to locate in our county would require large tracts of land where the infrastructure and site improvements are already in place. This is a major missing element in McDonald County's industrial infrastructure supply.

- **The goal of growth management is to provide sufficient land area with adequate facilities and utilities either presently available or economically feasible to accommodate future growth.**

This means having an adequate distribution of land to provide housing, services, jobs, and resource land for the expected population. An adequate supply of serviced industrial and commercial land will also provide ways that achieve desired land use goals.

## Capital Facilities 8.9

Capital Facilities refer to public facilities provided by local public agencies that are needed to support growth and development in the county. Many of these facilities are provided by the county and cities, however, other agencies and their services need to be considered, such as phone and internet service. Special districts, such as school, fire, and water, are also responsible for many capital facilities within McDonald County. These capital facilities typically have long useful lives, significant costs, and are not mobile. County capital facilities include buildings, land, parks, and roads. Some incorporated areas and public commissions provide such public services as water and sewer, although the McDonald County government has no water or sewer facilities.

- **There is a close relationship between provision of services and land use.**

It is important to determine current levels of county services and if that is an adequate level of service. Care should be taken to maintain current or desired minimum levels of service. It can become easy to scrimp on levels of service in order to save money with a resulting deterioration in quality. The desired level of service must also be realistic in light of financing capabilities, balancing needs against the amount of funding which taxpayers are willing to support.

- **Promote development within urban growth areas in order to use land efficiently, adding certainty to capital facility planning.**
- **Allow timely and coordinated extension of urban services and utilities for new development.**

Once a level of service standard is established for a particular facility, then cost can be assigned to achieve that level of service. The next step is to develop funding mechanisms to pay for the desired level of service. Levels of service for different facilities are defined differently. The level of service for most facilities is defined as a unit per population; for example, a number of jail beds or park acres per 1,000 population. The major exception is roads, for which level of service is measured as volume over capacity ratios, i.e. how many cars are anticipated to use a particular section of road (volume) divided by how many cars the road can theoretically accommodate over a specific period of time (capacity).

**"Community improvement districts provide more equity, more participation and, ultimately, more impact [than business tax districts]." A CID "is not a government-imposed system. The property owners of the district will design and pay for the program. . . . This is a true private-public partnership."**

**The fundamental attribute of CIDs is the empowerment of citizens to "take back control of their communities instead of waiting for government to solve their needs in competition with other communities." Ultimately "through the community improvement districts, residents can form their own quasi-governmental body among their neighbors, set measurable goals and see their tax dollars at work in their own backyards."** Missouri Bar Association article  
<http://www.mobar.org/8174c453-4bf0-4283-8ab0-924c676d26d5.aspx>

While it is generally desirable to provide high levels of service for roads, law enforcement, and other essential services, costs for those services continue to rise and, generally, new or additional taxes are undesirable. These high levels of service may not be affordable.

- **Impact fees on new development may be used to help finance the capital facilities required to serve new development in order to maintain quality within the county.**
- **Another potential source of funding of infrastructure for developments is the CID (Community Improvement District).**

Should the desired level of service be impossible to achieve without acquiring major debt, raising taxes beyond acceptable levels or establishing unacceptable impact fees, then the level of service standard must be adjusted, facility costs must be reduced, or growth must be curtailed until a balance is achieved.

Concurrency means that adequate facilities, as defined by adopted levels of service, are available at the time that the impacts of development occur or within a specified time thereafter. This concept is essential to implement before any development is approved.

Planning for capital facilities requires a long-range view in conjunction with growth projections over a period of years. Many of the facilities are regional in nature, serving all county residents whether they live in cities or in unincorporated areas. Among these facilities are public water supply, wastewater (sewer) systems, jails, courthouses and electric power.

- **Ensure that public facilities and services necessary to support development are adequate to serve the development at the time of occupancy and use without decreasing current service levels below established minimum standards.**
- **Encourage land use, economic and housing policies that co-locate jobs and housing to optimize use of existing and planned capital facilities.**
- **Provide for the orderly transition of unincorporated to incorporated areas**
- **Enhance the economic health of the community by identifying areas where future economic activity and growth is desired.**
- **Future development of land adjacent to existing and proposed school and other public facilities shall be located and designed to be compatible with such uses.**
- **Developments should be planned, constructed and landscaped so as to be visually and physically compatible with surrounding areas and uses.**

## **Water Services 8.9**

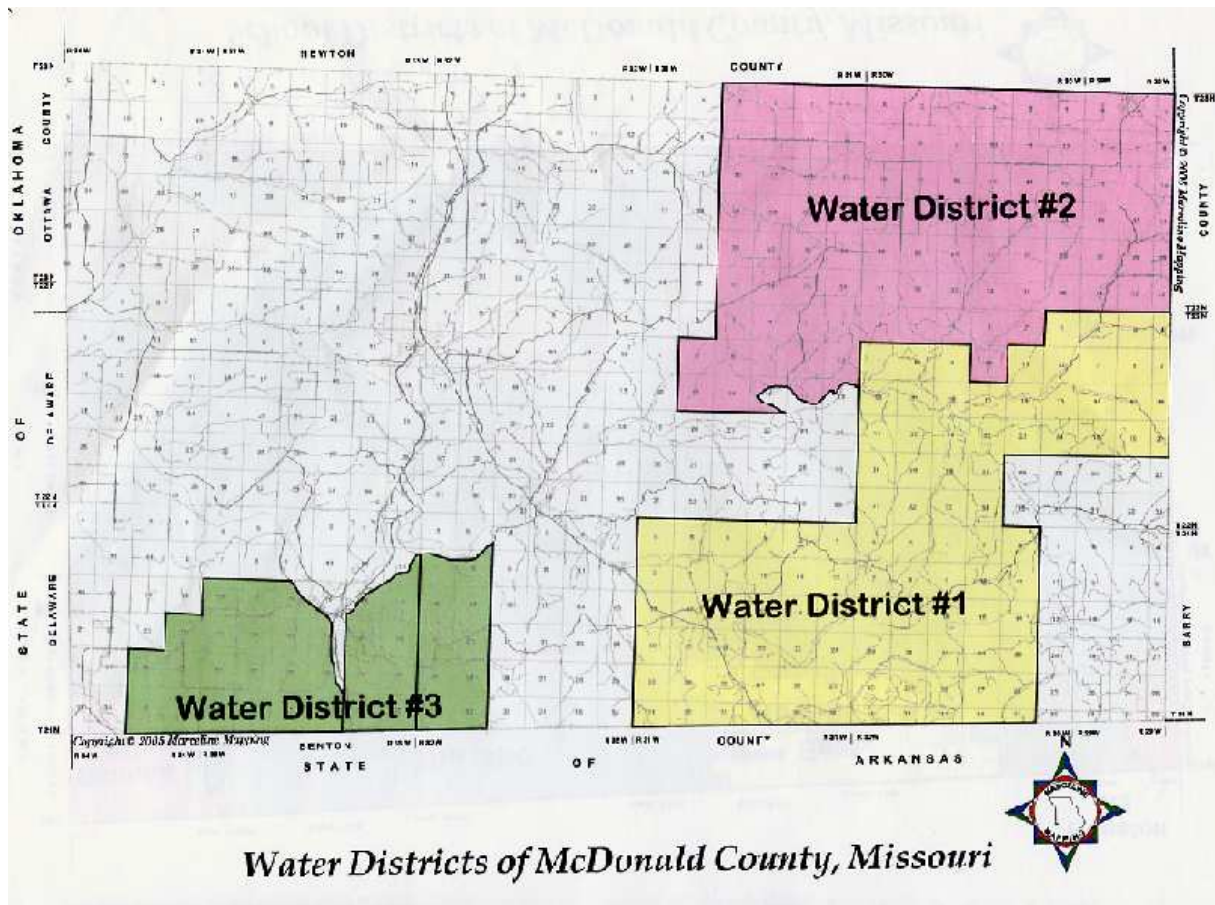
- **Water, sewer and roads are essential services for growth in McDonald County. By establishing where these services are to be provided, we can direct growth into appropriate areas.**

In the rural areas of McDonald County wells provide water for many residents. The well water

generally has a sulfur content. Most private wells are drilled into the top aquifer which tends to be responsive to drought conditions and surface contamination. Well pumps are run by electricity and must have a generator backup in order to work during power outages. When establishing new homesites using wells, an expensive portion of building costs are the drilling, pumps and casings.

In the urban areas of the county, all incorporated towns, with the exception of Jane and Ginger Blue, have a municipal water system. These systems tend to be aging and water loss through leaks are an issue. There are 3 communities that supply water outside their incorporated areas, they are: the City of Anderson, the City of Noel, and the City of Pineville. Each incorporated area in the County supplies water to their residents. There is one privately owned water company in McDonald County; this is the Noel Water Company.

Unlike neighboring counties, McDonald County's water supply does not come from impoundment of surface water, but instead is pumped from a deep aquifer. Expansion of water lines to new areas has become an expensive endeavor and typically requires grant funding to supplement local expenditures.



Rural areas in the southern portion of McDonald County often have service by rural water districts. There are three rural water districts: P.W.S.D. #1 serving southeast McDonald County; P.W.S.D. #2 serving northeast McDonald County; and P.W.S.D. #3 serving southwest McDonald County. The S.W. Rural Water District located in Barry County, Missouri, serves an eastern portion of McDonald County.

Water is a more affordable item in new developments within water districts, as well as providing a reliable water supply of good quality. Extending water lines has become increasingly expensive when new development requires extension of those lines. Replacing ageing pumps and meters, higher costs of utilities to pump water, and water loss through leaks are expenses which will cause water rates to increase.

There are two major wells that belong to poultry processing companies which access the deep aquifer below McDonald County. The state of Missouri does not regulate groundwater use. States to the west of McDonald County, Kansas and Oklahoma, also share the same aquifer and are affected first when the water supply diminishes. This has a potential for future problems between states.

Also at issue is potential contamination of water supplies. The topography of this area has a karst rock formation which is very porous. This allows for easy recharge of the aquifer during wet seasons, but also has great potential for contamination to seep into the water supply.

- **Protection of our surface waters is an important component in preventing groundwater contamination as well as protecting public health and the environment.**
- **Preventing contamination will be an important challenge to address in order to maintain the quality of our water supply.**

## Wastewater Treatment 8.10

Residences in rural areas of McDonald County rely on septic systems to treat household wastes. Properly installed and maintained, septic systems are efficient and effective. Unfortunately, septic systems eventually will fail and the problem may not be noticeable from the surface. The result is pollution seeping through to the water table, often polluting wells at that residence and others nearby. Much of this pollution eventually makes its way to the streams in the watershed.

In 1997, McDonald County passed a septic tank ordinance to help protect the water supply and health of the community. That ordinance has been amended a few times, most recently in 2007. The Environmental Services Division of the Health Department oversees the issuance of septic permits.

As residences become more closely spaced in urban areas, it becomes more cost effective to establish a municipal wastewater treatment system, protecting the community from pollution. Each incorporated community in McDonald County, with the exception of Ginger Blue, Lanagan and Jane, have a wastewater treatment system. Developing residences and businesses within reach of these treatment facilities may require the extension of the distribution system for wastewater, but will be more cost effective than building new treatment facilities.

- **Urban areas with water and wastewater are the appropriate location for future development.**

Rural areas may have rural water delivery, but lack wastewater treatment and adequate roads for subdivisions and other intense population pressures. Decentralized Sewer Systems DSS, have become a popular alternative for developers in areas without centralized sewer systems. These systems are an attractive solution, but not without problems. They require a responsible entity to oversee the system into perpetuity. Without safeguards to guarantee a permanent responsible party when systems fail, the public often expects to have government take over the task of operating and maintaining the decentralized sewer systems. PWSD #1 has agreed to be the responsible party for a DSS when water is supplied by that agency. The DSS must meet the standards of the PWSD's sewer district, be inspected when being installed, and must be in operation for one year before PWSD takes over ownership of the system. There are two private sewage treatment facilities, one operated by Tyson Foods Inc. and the other by Simmons Corporation in McDonald County.

PWSD #1 is the only agency to establish a sewer district outside of a municipal area. This was done as a response to extreme growth pressures along the Hwy 71 Expressway near the state line and to the existence of the privately owned Bella Vista Wastewater nearby willing to treat the sewage. Using bonds to be repaid by development fees and user fees, the PWSD sewer district was able to run sewer lines from the Arkansas state line to the Gordon Hollow Bridge. Response was immediate, as new businesses were established in that area within the first 6 months of the line being completed, including fast foods, a bank, motel and two mini-malls. At the end of that sewer line is property owned by Freeman Health where a medical center will soon be built and where Crowder College plans a medical careers campus.

The McDonald County Commission funded an engineering study on wastewater treatment which was completed in 2006 to identify options along the Hwy 71 corridor for treating sewage. A copy of that study is on file at the library in Pineville for public review. A bond issue was placed on the ballot in November of 2007 to finance expansion of the existing sewer line from Gordon Hollow Bridge to the Village of Jane. That project is expected to be completed in 2009. This will also allow a cost effective expansion by businesses north along the Expressway to the Hwy 90 intersection.

Should it become desirable in the future to construct a wastewater treatment facility by the PWSD sewer district, the lines to serve that facility will already be in place and will require only the reversal of the lift station pumps. Bella Vista Wastewater has expressed its willingness and ability to serve this area through the year 2020 and beyond. The engineering study also recommends expansion of lines from the existing treatment plants such as those at Pineville and Anderson.

- **Wastewater Treatment is a key component in establishing urban growth areas within McDonald County. Finding the most cost efficient and effective ways of providing that service will be our challenge.**