

## STAFF REPORT

### Ordinance Amendment

**Initiator:** Pope County Land and Resource Management Department

**Ordinance Title and History:** Pope County Land Use Controls Ordinance

On April 5, 1972 the Board of County Commissioners adopted a Shoreland Management Ordinance (Ordinance No. 1). The ordinance regulated land use and development of the shorelands of public waters in the unincorporated areas of Pope County. Its intent was to limit uncontrolled use of these shoreland areas which could have an impact on public health, safety and welfare. Such uncontrolled use contributed to pollution of the public waters and impacted the local tax base. This particular standalone ordinance was in effect until December of 1999 when the shoreland standards became part of the Pope County Land Use Controls Ordinance (LUCO) which instituted county wide zoning and performance standards to include other areas and land uses such as residential and agricultural. Since 1999, the LUCO has undergone multiple amendments as is evidenced by Attachment 4.

**Sections:** The following sections of the LUCO are under consideration for amendment:

- Section 3 Land Use Table (see Attachment 1)
- Steel Buildings, Pole Structures, and other Dwellings
  - Section 4.6.13.A.4 (see Attachment 2)
  - Section 5.6.1.A.4 (see Attachment 3)
  - Section 5.6.1.A.6 (see Attachment 3)
- Section 10.3.7 Agritourism performance standards (Attachment 5)



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**Discussion:** Staff has initiated the proposed amendments in compliance with the following goal as established in the 2018 Pope County Comprehensive Land Use Plan

*Land Use Compatibility*

4. *Ensure that land use regulations are clear, promote greater certainty in the land development process, and are consistent with the goals of the Comprehensive Plan and the well-being of the County's residents and landowners.*
  - a. *Conduct a thorough review of the County's zoning and subdivision ordinances to identify those parts which are unclear or inconsistent with the Comprehensive Plan or other county policies and make the appropriate amendments.*

The proposed amendments are an effort to provide for consistency across the different sections of the ordinance, between other Pope County ordinances and with other agency standards; are in response to a recognition of evolving land use trends specifically in shoreland and agricultural sectors of Pope County; and finally, with a goal to reduce some burdens placed upon individual property owners as well as the Planning Advisory Commission.

**Geographic Impact:** Changes to Section 3 are applicable to all zoning districts throughout the unincorporated county. Their impacts may vary depending upon the zoning district. The intent of the proposed changes is to provide for a more intuitive and user-friendly chart that can easily identify different types of land uses and associated permitting processes. These changes do not create any additional burdens or newly created restrictions for property owners to comply with. Regarding amendments to Sections 4.6.13.A.4 and 5.6.1.A.4, these standards are duplicated in another area of the ordinance. Deleting the text from these sections of the ordinance results in no effective change in land use and therefore has no geographic impact.



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**SocioEconomic Impact:** The implementation of zoning rules can help achieve some valuable social goals like protecting important environmental resources or minimizing the impact of a nuisance, but it can also result in some socioeconomic inequalities such as increased costs for farming or housing due to higher land values. There is a lot of research and data which clearly indicates a relationship between residential housing densities and land values. For example, a parcel of land that is zoned for higher density may drive a higher dollars per acre value because a developer may be able to create more housing units. However, higher density residential units are typically marketed to lower income purchasers or renters who can't afford the higher cost of purchasing or developing in lower density neighborhoods. The result is that lower income citizens tend to be relegated to these high-density neighborhoods. Though this dilemma is more common in developing urban areas, the relationship of zoning to property values exists here in Pope County as well. Imagine what happens to the dollar value of agricultural land if the allowable nonfarm density is raised significantly? An increase in development pressure would certainly have an impact on the per acre value of land. So, whenever we entertain changes or amendments to our zoning rules, we should consider the socioeconomic impact of such change or amendment. In the case of the ordinance amendments to be considered this evening, Section 3 (chart) is not likely to create a regulatory barrier nor is it likely to have a socioeconomic impact. The development of performance standards for Agritourism is in consideration of agricultural operators and farm land owners and recognizing that agritourism can provide opportunities for diversification. Agritourism can result in an impact to the tax base, new employment opportunities, can also provide for educational opportunities to the public and help preserve agricultural lands.

**Financial Impact:** The proposed amendments to sections 3, 4.6.13.A.4, 5.6.1.A.4 and 5.6.1.A.6 are not anticipated to have any direct financial impact to either the property owner or the County. However, the establishment of performance standards for Agritourism may result in a financial beneficial to both the property owner and the County.



## REPORT APPENDIX

- **Supplemental Information**
  - **Attachment 1:** *Section 3 Chart of Land Uses*
  - **Attachment 2:** *Section 4.6.13.A.4 Steel Buildings, Pole Structures, and other Dwellings*
  - **Attachment 3:** *Section 5.6.1.A.4 & 5.6.1.A.6*
  - **Attachment 4:** *Pope County Land Use Controls Ordinance*
    - *Amendments, Interim Ordinances, Orders & Resolutions*
    - *Rezoning Amendments*
    - *Land Use Maps*
  - **Attachment 5:** *Section 10.3.7 Agritourism Performance Standards (IN PROGRESS)*



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## Supplemental Information

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### Supplemental Information Attachment 1: *Section 3 Chart of Land Uses*



**Supplemental Information Attachment 2:**

***Section 4.6.13.A.4 Steel Buildings, Pole Structures, and other Dwellings***



**Supplemental Information Attachment 3:**  
***Section 5.6.1.A.4 & 5.6.1.A.6 Steel Buildings, Pole Structures, and other Dwellings***



## **Supplemental Information Attachment 4:**

### ***Pope County Land Use Controls Ordinance***

- *Amendments, Interim Ordinances, Orders & Resolutions*
- *Rezoning Amendments*
- *Land Use Maps*





**Supplemental Information Attachment 5:**  
***Section 10.3.7 Agritourism Performance Standards***