

Part 1-General Provisions

Regulations, Standards and Specifications
for the
Division, Development and Improvement
of Unincorporated Land in Washington County, Arkansas

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Article 4-Land Development in Unincorporated Land

Part 1-General Provisions

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PART I. GENERAL PROVISIONS

DIVISION 1. GENERALLY

Sec. 11-51. Purpose.

The purpose of this Article is to set forth procedures, requirements, minimum standards, specifications and acceptance criteria for the development of all unincorporated land under the jurisdiction of the Washington County Placing Board. Said land development shall include, but not be limited to, tract splits; large-scale development (LSD); subdivision and improvement of industrial, residential and commercial developments; and mobile home parks. The purpose of the road development guidelines and standards contained herein is to contribute to the dual function of traffic circulation and means for access to land and water.

(Ord. No. 91-9, Art. 1, § 1.01, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Sec. 11-52. Authority.

Washington County has complied with the prerequisites of Act 422 of 1977 by the adoption of an official road plan for the unincorporated areas of the County. These regulations are adopted pursuant to the authority granted by Act 422 of 1977. Washington County was granted authority by Arkansas Act 422 of 1977 for the control of land development.

(Ord. No. 91-9, Art. 1, § 1.02, 4-11-91)

Sec. 11-53. Title.

This Article is to be entitled: "Regulations, Standards and Specifications for the Division, Development and Improvement of Unincorporated Land in Washington County, Arkansas".

(Ord. No. 91-9, Art. 1, § 1.03, 4-11-91)

Sec. 11-54. Area of Jurisdiction.

This Article shall apply to all unincorporated areas of Washington County, except as otherwise provided by law. A Planned Growth Area is an unincorporated area adjoining the corporate limits of a municipality in which the authority to control the development of land is vested and is now or hereafter exercised by the municipality in accordance with the provisions of Act 186 of 1957 as amended.

The limits of the Planned Growth Area are those now being or hereafter exercised by a city, with a maximum of five (5) miles from the city limits or one-half (1/2) the distance to the city limits of the next city, whichever is the lesser.

A copy of all proposed land development plans within the Planned Growth Areas shall be submitted to the Washington County Planning Office. Developments and improvements in these Planned Growth Areas are still located in the unincorporated area of Washington County, therefore remain under the jurisdiction of Washington County for maintenance of roads, etc.

(Ord. No. 91-9, Art. 1, § 1.04, 4-11-91)

Sec. 11-55. Conformance to official plans.

(a) All land developments in the unincorporated areas of Washington County shall conform to the official plans, standards, requirements and regulations that are in effect, including the Planned Growth Areas.

(b) Subdivisions located in the extra territorial growth areas of incorporated cities shall be developed in accordance with the particular city's standards. All other land developments in said areas shall be developed in accordance with the standards set by the County. The standards governing roads shall be as set out [in] the County Court Order No. 2001-76 (as it exists now or as amended in the future) a copy of which is attached hereto and incorporated herein as if set out word-for-word.

(Ord. No. 91-9, Art. 1, § 1.06, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99; Ord. No. 2005-35, Art. 1, 7-14-05)

Editor's note: Ord. No. 99-32, Art. 1, adopted July 8, 1999, amended the Code by repealing § 11-55 in its entirety, and renumbering former §§ 11-56--11-62 as new §§ 11-55--11-61. Former § 11-55 pertained to application of this Article, and derived from Ord. No. 91-9, adopted April 11, 1991, and Ord. No. 98-18, adopted June 11, 1998.

Sec. 11-56. Lot or parcel size.

Individual lots or parcels that require both a septic system and water well shall be of sufficient size to satisfy State Health Department requirements. Minimum frontage shall be seventy-five (75) feet.

(Ord. No. 91-9, Art. 1, § 1.07, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Note: See editor's note, § 11-55.

Sec. 11-57. Metes and bounds.

No conveyance by metes and bounds of tracts or lots coming under the definition of a subdivision without compliance with the applicable provisions of this Article or amendments thereto shall be permitted. This provision is aimed at preventing an attempt to circumvent this Article by conveying by metes and bounds without taking the necessary steps for filing an approved plat.

(Ord. No. 91-9, Art. 1, § 1.08, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Note: See editor's note, § 11-55.

Sec. 11-58. Authorization to consult

The County Judge is authorized to consult with an independent registered professional engineer if he has concerns about the impact of any development on County or public roads or drainage. This initial consultation shall be at the expense of the County. If after said consultation concerns still exist then the County Judge may retain said engineer to perform a complete analysis of said development at the expense of the developer. Preference shall be given to engineers located within one hundred (100) miles of the County.

(Ord. No. 2005-3, Arts. 1--3, 2-10-05)

Sec. 11-59. Fire flow tanks and other measures.

(1) (a) This section shall be applicable to any land development utilizing fire flow tanks and/or other allowed measures.

(b) All the provisions of Ordinance No. 2006-52 [this section] shall apply except as stated below to nonresidential large-scale developments not charging a fee or rate for operation.

(2) Fire flow tanks and other allowed measures including but not limited to ponds and pumps when approved for use by the County Fire Marshal shall be designed by and installed under the supervision of a professional engineer who shall certify to the County that such has been designed and installed so that it meets all applicable state laws and codes.

(3) Requests by any developer to utilize fire flow tanks or other allowed measures shall be accompanied by a plan prepared by a professional engineer, for the design and long-term maintenance and inspection of said tanks and other measures to be approved by the County Fire Marshal.

(4) The following definitions are hereby adopted:

(a) *Fire flow tanks* are hereby defined as follows: an above or below ground tank made of concrete or composite materials utilized to assist in fire fighting.

(b) *Other allowed measures* are hereby defined as follows: including but not limited to holding ponds; dry hydrants; and pumps utilized to assist in fire fighting.

[Subsections (a) and (b) may be individually or collectively referred to as systems.]

(c) *The responsible management entity (RME)* is hereby defined as follows: the person, persons, corporation, partnership, or other entity that has the managerial, financial and technical oversight over any system including but not limited to operations and management, permit compliance, record keeping, reporting, customer service, billing and collection and is fully responsible for the long-term cost effective operations in accordance with all applicable regulations and performance requirements.

(5) An RME shall be designated by the developer and shall comply with all state laws and regulations, the provisions in this section, and any regulations promulgated hereto.

(6) The RME in such a development shall maintain sufficient sums of money that includes reserves for operation, maintenance, emergencies and capital improvements.

(7) The County Fire Marshal is hereby authorized to promulgate rules and regulation, subject to approval by the Quorum Court to further effectuate this section.

(8) Before any such large-scale development is approved by the Planning Board, the RME shall provide the following to the Public Utilities Coordinator:

(a) The size and location of the land development to be served by the system and the type of system that is being utilized and if such has been approved by the Fire Marshal;

(b) The square footage of the facility to be served;

(c) The projected cost of operating and maintaining the system on an annual basis;

(d) The amount of reserves that will be retained along with evidence of how these reserves will adequately provide for sustainable performance and compliance with permits;

(e) The legal entity that will own and retain the necessary services and the name, address and telephone number of said entity;

(f) A copy of the contract to be executed for the maintenance and inspection;

(g) Any other matter determined relevant by the Public Utilities Coordinator.

(9) The RME shall report to the Public Utilities Coordinator, upon request, any matters relevant to the operation including, but not limited to operation and maintenance issues, environmental issues, financial matters, customer service issues, and any other matter deemed relevant by the Public Utilities Coordinator. A bond, letter of credit or other similar instrument in an amount to be determined by the Public Utilities Coordinator shall be posted by the RME to ensure compliance with this section and any regulations promulgated hereto.

The Public Utilities Coordinator is authorized to promulgate additional rules and regulations in coordination with the Fire Marshal to assure compliance with this section and the financial viability of any such systems, subject to approval by the Quorum Court.

(10) This section shall be applicable throughout the unincorporated area of the County including the extra-territorial growth area of any incorporated city. This section shall not be applicable in the event any such system is or becomes owned, maintained, or operated by an incorporated city or other approved public entity. In the event that an incorporated city or other approved public entity enacts ordinances or rules and regulations concerning said systems, then the more stringent provisions shall apply.

(11) A violation of this section or any regulation promulgated hereto shall be enforceable by appropriate civil action by the County Judge. Such civil remedy shall include but is not limited to injunctive relief, civil sanctions, and removal of the RME from operating or in any other manner managing said system. Attorney fees and any other costs related to any civil action may also be recovered.

(12) The following provisions shall apply to all land developments: Any system owned, operated and maintained by a volunteer fire department or similar entity approved by the Fire Marshal shall be exempt from the provisions of this section.

(Ord. No. 2006-52, Arts. 1--11, 9-14-06; Ord. No. 2006-77, Arts. 1--4, 12-14-06)

Secs. 11-60--11-70. Reserved.

DIVISION 2. APPROVAL PROCEDURES

Sec. 11-71. Procedures.

The procedures for land development approval involve the following steps:

- (1) *Step 1*: Concept Plat submittal;
- (2) *Step 2*: Preliminary Plat submission and approval;
- (3) *Step 3*: Construction Plans and Specification submission and approval;
- (4) *Step 4*: Final Plat submission, approval and filing.

(Ord. No. 91-9, Art. 1, § 2.01, 4-11-91)

Sec. 11-72. Step 1, Concept Plat submittal.

(a) When a developer intends to develop a parcel of land within the unincorporated area of Washington County, a Concept Plat must first be submitted to the Planning Administrator or the Chairman of the Plat Review Committee for review applicable to the planning requirements. This conference may be of assistance to the developer through the prevention of unnecessary expense in the plat preparation.

(b) The Concept Plat may be a legible free-hand drawing superimposed upon a print of a site map or aerial photograph which shall provide the following data:

- (1) Name, address and telephone number of the owner, developer, engineer and/or surveyor.
- (2) Development name, date, north arrow and approximate acreage.
- (3) Topography (available USGS interval or better).
- (4) Proposed street pattern.
- (5) Proposed storm drainage, on-site and off-site, to an existing major channel.
- (6) Existing watercourses and floodplains, if any.
- (7) Existing adjoining or abutting streets, roads and developments.
- (8) Existing water and sanitary sewer systems.
- (9) Any additional information the developer considers pertinent.

(c) While in concept form, the developer or engineer may consult with the Administrative Officer or the Chairman of the Plat Review Committee to get acquainted with the planning requirements. During this conference, the general features of the land development, its layout, facilities and required improvements, including off-site improvements, shall be determined to the extent possible and necessary for preparation of the Preliminary Plat.

(d) A Plat Review Committee meeting may be scheduled within fifteen (15) days following the receipt of the Concept Plat submission.

(Ord. No. 91-9, Art. 1, § 2.02, 4-11-91)

Sec. 11-73. Step 2, Preliminary Plat submission and approval.

When a land development is proposed, the first formal application for approval shall be the Preliminary Plat directed to the Planning Board and submitted to the Administrative Officer.

(1) *Preliminary Plat:* The Preliminary Plat submission shall consist of the following:

a. Payment of the Preliminary Plat fee.

b. Twenty (20) copies of the Preliminary Plat of the proposed development. The plat shall include the information indicated for Preliminary Plat in Section 11-77 of this chapter.

(2) *Submission time and review schedule:*

a. The Planning Administrator shall send a certified letter to all adjoining property owners within three hundred (300) feet of the exterior boundary of the proposed development at least fourteen (14) days prior to the scheduled meeting of the Planning Board at which the plat is to be reviewed. Said Notice shall state the date, time and place of the proposed development review. The developer shall reimburse the Planning office the actual costs of mailing plus fifteen cents (\$0.15) (per notice sent).

b. Following submittal of the Preliminary Plat, the Administrative Officer shall distribute the plat to the Plat Review Committee for its review and comments. The Administrative Officer shall schedule a meeting of the Plat Review Committee with the Developer's representatives to consolidate the review comments.

c. The Planning Board shall consider the Preliminary Plat along with all reports and comments by the Plat Review Committee, County Road Superintendent, other County departments, officials, utility companies and others, which are of record at the time of the Planning Board meeting. Within thirty (30) days after the Planning Board reviews the submission, it shall indicate its approval, disapproval, or approval with conditions. Such approval, disapproval or approval with conditions shall be conveyed to the developer's representatives at a regular Planning Board meeting.

(3) *Preliminary Plat approval:* Approval of the Preliminary Plat shall be subject to the following stipulations:

a. Such approval does not constitute authorization to proceed with the construction until the Construction Plans and Specifications (step 3) have been approved by the County Road Superintendent, nor authorization to

sell lots until the Final Plat is approved and filed in the Washington County Circuit Clerk's office.

b. Receipt by the developer of the Planning Board's written approval of the Preliminary Plat authorizes the developer to proceed with the following:

1. Preparation of the Construction Plans and Specifications required for step 3, which includes:

(i) Detailed street plans, profiles and specifications accompanied by soil analysis and design calculations to be reviewed and approved by the County Road Superintendent.

(ii) Detailed storm drainage plans, profiles and specifications accompanied by soil analysis and design calculations to be reviewed and approved by the County Road Superintendent.

(iii) Detailed water and sewer plans, profiles and specifications to be submitted by the developer to the Arkansas Department of Health for review and approval. One (1) informational copy shall be submitted to the County Road Superintendent for his use and review only.

Note: The developer is responsible for obtaining the Arkansas Department of Health's approval of the water and sewer or septic system plans and specifications.

2. The installation of the site improvements after the Construction Plans and Specifications (step 3) have been approved by the County Road Superintendent.

3. Preparation of the Final Plat in accordance with the Final Plat procedures outlined in step 4.

c. The Preliminary Plat shall be effective for one (1) year from date of approval to implement the following items:

1. Approval of step 3 (Construction Plans and Specifications).

2. Initiate and progressively continue construction improvements.

3. Approval and filing of the Final Plat (see bonding requirements, step 4).

d. Any Preliminary Plat not activated within twelve (12) months from date of approval shall be null and void.

e. All improvements must be completed within thirty-six (36) months from date of Preliminary Plat approval. If not, the performance bond, as set out below, shall compensate the County for all unfinished construction costs.

1. Said performance bond shall run in favor of the county and be in an amount sufficient to complete the improvements for the development as determined by the Road Superintendent.
2. Said bond must be written by a surety authorized to do business in the State of Arkansas.
3. However, if, in the opinion of the county, the project has been abandoned, or county or private property is being damaged by action, or inaction, the said performance bond shall be forfeited immediately at the option of the county at any time prior to the end of the 36-month period. A letter of credit may be accepted in lieu of all or part of said bond.
4. Separate bonds or letters of credit shall be executed to protect county roads or other county property.
5. This bond does not take the place of any bonding requirements as to any contractor. If the developer and the contractor are one and the same, then the bonds to be posted by the contractor shall protect the County.

(Ord. No. 91-9, Art. 1, § 2.03, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99; Ord. No. 2007-71, Art. 1, 12-13-07; Ord. No. 2008-43, Art. 1, 8-14-08)

Sec. 11-74. Construction Plans and Specifications Approval; Insurances and Additional Bonding Requirements.

(a) *Submission Requirements and Procedures:*

- (1) Receipt by the developer of the Planning Board's written approval of the Preliminary Plat authorizes the Developer to proceed with the development of the detailed plans and specifications for the proposed improvements. The detailed construction plans and specifications consisting of the following shall be developed by a professional engineer registered in the State of Arkansas and submitted to the appropriate agency for review and approval prior to the developer advertising for bids or beginning construction.
- (2) Payment of the construction plans and specification review fee contained in section 11-76.
- (3) One (1) copy of the Preliminary Plat and approval letter from the Planning Board.
- (4) Three (3) complete sets of construction plans and specifications for the proposed improvements containing the following information for review and approval by the County Road Superintendent. One (1) approved copy will be returned to the developer. The plans shall include:

- a. Street classifications, soils analysis, street typical section and pavement section of each street or street classification in the proposed development in accordance with the requirements of this Article.
- b. Street profile, design calculations, soils analysis and plans and specifications in accordance with the requirement of this Article.
- c. Storm drainage calculations, profile and plans and specifications in accordance with the requirements of this Article.
- d. As appropriate, design calculations, profile and plans and specifications for all required off-site improvements in accordance with the requirements of this Article.
- e. The engineer's estimated cost of all improvements.
- f. One (1) copy of the water and sanitary sewer profiles.

(5) Two (2) sets of the water and sanitary sewer plans and specifications shall be submitted to the Arkansas Department of Health for approval.

(b) *Bonding and Insurance Requirements:* The contractor and subcontractor performing the grading, street, storm drainage, water and sanitary sewer improvement construction shall carry the following:

- (1) Performance and payment bonds in the amount of one hundred (100) percent of total construction costs.
- (2) Workmen's Compensation Insurance for all employees and those subcontractors engaged in work on the site, in accordance with Arkansas' Compensation Laws.
- (3) Insurance for protection against damage which may arise from operations of the kinds and limits listed below:
 - a. Public liability insurance in an amount not less than five hundred thousand dollars (\$500,000.00) for injuries, including accidental death, to any one person, and subject to the same limit for each person, in an amount not less than five hundred thousand dollars (\$500,000.00) on account of one (1) accident.
 - b. Property damage and vehicle liability insurance in an amount of not less than five hundred thousand dollars (\$500,000.00) for one accident, and subject to that limitation, in an amount not less than five hundred thousand dollars (\$500,000.00) for all damages to or destruction of property during the policy period.
- (4) In addition, the contractor shall obtain insurance, running for the construction period of the project, naming as the insured therein all officials and employees of Washington County and their representatives. Such insurance shall be in form and substance similar to Railroad Protective Liability Policy as approved by Federal, State and Railroad agencies. Limits of liability shall be the following:

Bodily injury liability (including death):

\$500,000.00 each person
\$500,000.00 each occurrence

Physical damage liability (damage to or destruction of property):

\$500,000.00 each occurrence
\$500,000.00 aggregate

(5) Proof of insurance coverage shall be furnished by the Contractor to the County Road Superintendent prior to commencement of work on the site. Insurance shall be carried with insurance companies licensed in the State of Arkansas. The required insurance shall be kept in force until the contractor's work is accepted by the County.

(c) *County Road Superintendent's actions:* Within fifteen (15) days, the County Road Superintendent shall approve, disapprove, or approve with conditions the street and storm drainage plans and specifications in writing and return one (1) copy to the developer. However, any approval action of the plans and specifications does not constitute approval of the Final Plat.

(d) *Inspections by the County Road Superintendent:* All street and storm drainage and utility construction within the road right-of-way shall be subject to inspection by the County Road Superintendent. The required phase inspections are contained in division 7.

(e) *Time Limitations and Stage Construction:*

(1) After approval of the detailed plans and specifications of proposed improvements, construction work shall begin within one (1) year and the construction completed within three (3) years thereafter. If not, the original plans and specifications shall be subject to review and updating by the appropriate agencies. Any changes resulting from this review and updating shall be made at the developer's expense.

(2) *Stage Construction:* The following applies to land developments approved for stage construction:

a. If the detailed plans and specifications for the future stage(s) are submitted and approved as part of the original plans and specifications and construction has not started within three (3) years after the approval date, or if construction work ceases for any twelve-month period thereafter, the plans and specifications shall be resubmitted to the appropriate agencies for review and updating to meet the current standards and specifications. Any changes resulting from this review and updating shall be made at the developer's expense.

b. If the detailed plans and specifications for any future stage are developed at a later date, they shall be submitted to the appropriate agencies. The plans and specifications shall meet the current standards, regulations and specifications at that time.

(f) *Maintenance Bond Requirements:* Upon completion of the work and final inspection by the appropriate agency, the developer shall furnish the following maintenance bonds:

(1) *Street and storm drainage improvements:* An acceptable maintenance bond shall be provided in the amount of fifty (50) percent of the actual construction cost against defects in workmanship and materials for a period of one (1) year from the date of the final inspection. The bond shall be filed with the County Judge's office after the final inspection and prior to acceptance by the County.

(2) *Water and sanitary sewer improvements:* An acceptable maintenance bond shall be provided in the amount of fifty (50) percent of the actual construction cost against defects in workmanship and materials for a period of one (1) year from date of the final inspection. The bond shall be filed with the appropriate government agency after the final inspection and prior to the acceptance by the County.

(3) *Stage construction:* When stage construction is approved prior to future stage development, an inspection of the condition of the existing street system shall be made by the County Road Superintendent, developer, contractor and engineer to document the existing condition of the streets. The contractor shall make repairs to street damages as they occur during the construction of the next stage of development. An inspection of the existing street system shall be made as a part of the final inspection of the new stage of street improvements. All damages noted by the County Road Superintendent shall be satisfactorily corrected prior to acceptance of the new stage of improvement. Repair of all damage will be at the developer's expense.

(4) Water, sanitary sewer, street and storm drainage in a new stage of construction shall carry the normal one-year maintenance bond as specified for the initial construction of improvements, as outlined in subsections (1) and (2) above.

(g) *Conditions of Acceptance:*

(1) The County shall not have any responsibility with respect to any street, road or other improvement, notwithstanding the use of the same by the public, unless the street, road or improvement has been accepted by the County.

(2) The County shall, within thirty (30) days after the improvements have been offered for dedication to the County, accept the improvements provided the improvements have been constructed in accordance with the conditions and requirements of the County. County maintenance will begin when the required one-year maintenance bond has expired.

(3) Prior to requesting final acceptance of the improvements into the County System, the developer shall submit the following:

- a. Two (2) copies of the as-built plans for street and storm drainage and two (2) copies of the as-built plans for water and sanitary sewer shall be submitted to the Washington County Planning Office.
- b. The appropriately executed maintenance bonds shall be submitted to the Washington County Planning Office.
- c. Certified proof that all improvements are free of liens and debts shall be submitted to the Washington County Planning Office.
- d. Certified proof that all county taxes and professional fees and improvement costs have been paid shall be submitted to the Washington County Planning Office.

(Ord. No. 91-9, Art. 1, § 2.04, 4-11-91)

Sec. 11-75. Final plat submission, approval and filing.

After the Planning Board approves the Preliminary Plat and all improvements have been approved by the appropriate agencies, the developer shall submit to the Planning Board an application for approval of the Final Plat.

- (1) The application for approval of the final plat shall consist of the following:
 - a. Application for approval of Final Plat.
 - b. Payment of the Final Plat fee contained in section 11-76.
 - c. Fourteen (14) reproductions or copies of the Final Plat which shall require the information for Final Plats contained in section 11-77. The Final Plat shall be reviewed by the Plat Review Committee prior to final action by the Planning Board, if required by the Administrative Officer. If revisions are required, the developer shall resubmit fourteen (14) copies of the revised plat containing the revisions to the Administrative Officer for distribution to the Planning Board.
 - d. Assurances that the improvements indicated in the Final Plat and/or required by this division have been installed or assurances they will be installed. Such assurances shall consist of:
 1. A certification by the County Road Superintendent that all improvements have been completed and accepted.
 2. Individual letters of intent from public utility agencies that they shall or shall not provide service through the developer for the development.

- (2) Reserved.

(3) County Planning Board's Action: Within sixty (60) days after receipt of the Final Plat and other required information and certifications, the Planning Board shall approve or disapprove the Final Plat. The approval or disapproval shall be in writing.

(4) Developer's final action: Upon approval by the Planning Board, the developer shall:

- a. Submit to the Administrative Officer two (2) reproducible copies of the Final Plat with appropriate signatures of approval (use waterproof ink only).
- b. Obtain the Administrative Officer's signature and submit both copies with covenants and certifications to the Circuit Clerk's office.
- c. Have the Circuit Clerk record one (1) copy and note on the other copy the recording information such as date, time, book and page number.
- d. Take the recorded copy and run five (5) additional blue-line copies.
- e. Return the original recorded copy plus the five (5) additional copies to the Administrative Officer.

Approval of the Final Plat by the Planning Board shall not be deemed acceptance by the County of any of the dedications shown on the plat. Such acceptance shall be made by the County Judge in the manner prescribed by law. When the County Judge accepts the improvements into the County Road System, no maintenance will be performed by County forces until the maintenance bonds have expired.

(5) Signatures. The Final Plat shall be signed by the Chairman or Administrative Officer of the Planning Board.

(6) Number of plats. The Administrative Officer may request additional copies of the Plat, if the amount required by subsection (4)d. is not sufficient for the necessary distribution.

(7) All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.

(Ord. No. 91-9, Art. 1, § 2.05, 4-11-91; Ord. No. 2005-26, Arts. 1, 2, 6-9-05; Ord. No. 2005-37, Art. 1, 7-14-05; Ord. No. 2006-29, Art. 1, 6-8-06)

Sec. 11-76. Fees payable to planning office.

(a) With plans, plat reviews and inspections, the developer shall remit the following fees:

(1) *Concept plat (pre platting)*: Thirty dollars (\$30.00) if in a city planning area; otherwise, fifty dollars (\$50.00).

(2) *Preliminary plat*:

In a city planning area: One hundred dollars (\$100.00) if fifty (50) lots or less; three hundred dollars (\$300.00) if more than fifty (50) lots.

If not in a city planning area: Two hundred dollars (\$200.00) for fifty (50) lots or less; four hundred dollars (\$400.00) if more than fifty (50) lots.

(3) *Final plat*:

In a city planning area: One hundred dollars (\$100.00) if fifty (50) lots or less; two hundred dollars (\$200.00) if more than fifty (50) lots.

If not in a city planning area: Two hundred dollars (\$200.00) for fifty (50) lots or less; four hundred dollars (\$400.00) if more than fifty (50) lots.

(4) *Large-scale development*: High intensity/industrial (as defined in Subsection 11-100(a)(2)) regardless of location, three hundred dollars (\$300.00) for preliminary plat; two hundred dollars (\$200.00) for final plat.

Residential large scale development of more than fifty (50) units, two hundred dollars (\$200.00) for preliminary plat; four hundred dollars (\$400.00) for final plat. All other large scale developments two hundred dollars (\$200.00) for preliminary plat; one hundred dollars (\$100.00) for final plat.

(5) *Minor subdivision plat (defined as four (4) lots or less)*: Fifteen dollars (\$15.00) if in planning area; otherwise two hundred dollars (\$200.00).

(6) *Minor subdivision replat*: Fifteen dollars (\$15.00) if in planning area; otherwise one hundred fifty dollars (\$150.00).

(7) *Variance request*: Fifty dollars (\$50.00).

Administrative variance request: Fifteen dollars (\$15.00).

(8) *Fee for inspection of gated community*: Twenty-five dollars (\$25.00).

(9) *Applications for exempt land divisions*: Fifteen dollars (\$15.00) within a city planning area; twenty-five dollars (\$25.00) solely County jurisdiction.

(b) Fees payable to road department:

Street and storm drainage inspection: Fifty dollars (\$50.00).

Construction inspections/payable to road department:

(1) *Stage inspections*: Fifty dollars (\$50.00) per hour, with a minimum charge of fifty dollars (\$50.00). Thereinafter in one-half-hour increments at twenty-five dollars (\$25.00).

(2) *Final inspections*: Fifty dollars (\$50.00) per hour, with a minimum charge of fifty dollars (\$50.00) to be charged thereafter in one-half-hour increments at twenty-five dollars (\$25.00).

(c) Review, approval and inspection fees for water and sanitary sewer improvements shall be fixed by the Arkansas Department of Health.

(d) All the fees authorized herein shall be reviewed annually and compared to the cost of each department concerned; and in the event said fees exceed the cost of said office, then said fee shall be reduced accordingly so as not to exceed the costs of said office.

(Ord. No. 91-9, Art. 1, § 2.06, 4-11-91; Ord. No. 2005-36, Art. 1, 7-14-05; Ord. No. 2006-30, Arts. 1, 2, 6-8-06; Ord. No. 2007-72, Art. 1, 12-13-07)

Sec. 11-77. Plat requirements for land development.

(a) The original plat shall be drawn in waterproof ink on reproducible, stable base material at a scale which best suits the size of the property being platted. Preferably, the sheets should be standard print size and the scale should be one (1) inch equals one hundred (100) feet.

(b) Plats submitted to the Planning Office shall have the following information shown or made reference to and attached thereto. The Administrative Officer shall deliver the information to the Planning Board for review and consideration of Concept, Preliminary and Final Plats.

TABLE INSET:

	General Information	Concept Plat	Preliminary Plat	Final Plat
(1)	Name and address of owner, developer, engineer and surveyor	X	X	X
(2)	Name of the land development, date, graphic scale, north arrow, total acreage and individual tract acreage	X	X	X
(3)	Legal description of the property with dimensions and angles sufficient to locate all lines on the ground. Lot and blocks shall be numerically identified, boundaries shown by bearings and distance, and property located by Section,		X	X

	Township and Range and tied to the nearest of two (2) defined and referenced Section Corners or Quartersection Corners			
(4)	Concrete or approved aluminum monuments shall be placed at the exterior boundary corners and one-half-inch by eighteen-inch steel pins shall be placed at all lot corners		X	X
(5)	Vicinity sketch at a scale appropriate to show the relationship of the development with surrounding improvements and communities, and other information requested by the Planning Board	X	X	X
(6)	If stage development is involved, the complete development plan with the stages of development and construction shown		X	X

TABLE INSET:

	Existing Conditions for Land Development	Concept Plat	Preliminary Plat	Final Plat
(7)	Original topography at ten-foot contour intervals		X	X
(8)	Names of adjacent land developments and ownership of adjacent property including corresponding deed book and page number		X	X
(9)	Existing roads, streets, culverts, railroads, and other features: The plat shall show the location, name, width, surface type, surface condition and right-of-way width of all existing or platted roads, streets or other public ways within or adjacent to the proposed improvement, including features such as existing permanent buildings, water courses, railroads, municipal corporation limits, county's state lines, planning district limits, oil and gas lines or wells, abandoned wells and dry holes	X	X	X
(10)	Existing utilities: Ownership names and dimensions on overhead and underground power and communications lines, sewers, water mains, gas mains, and other underground structures, including water wells and septic systems within		X	X

	the development or immediately adjacent thereto			
(11)	Flood areas: 100-year flood per FEMA map	X	X	X
(12)	Watercourses: If the proposed development is traversed by a watercourse, channel, stream, creek or river, the present and proposed location of each shall be shown	X	X	X
(13)	Soil analysis: The developer shall indicate the types of soil found in the plat area according to the USDA Soil Conservation Service		X	
(14)	Plat and deed restrictions: Restrictions, if any, with use and perimeters defined. Plat restrictions should be certified as to current legality by a member of the Arkansas Bar		X	

TABLE INSET:

	Proposed Improvements	Concept Plat	Preliminary Plat	Final Plat
(15)	Location, dimensions and names of all proposed roads, streets, alleys, easements, blocks, parcel and lot lines and address numbers, dedications and reservations		X	X
(16)	Street typical sections and pavements sections for each classification of street		X	X
(17)	Bearings and linear dimensions referenced to true north of all lines, interior angles of lots may be shown in lieu of bearings		X	X
(18)	Proposed use of all land within the development		X	X
(19)	Location and size of all proposed utility lines		X	X
(20)	Drainage plan for entire area		X	
	Sizes of all driveway and road tiles shall be stated			X

(21)	Building setback lines as fixed by the County, building lines and any setback lines established by public authority, and those stipulated in the deed restrictions and right-of-way lines		X	X
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TABLE INSET:

	Information to Supplement the Plat	Concept Plat	Preliminary Plat	Final Plat
(22)	Access control: The openings for ingress and egress from the platted area to public street, road or highways		X	X
(23)	Letter of transmittal		X	X
(24)	Payment of review fee	X	X	X
(25)	Certification issued by the County Tax Collector to the effect there are no delinquent taxes payable at the time of the plat approval			X
(26)	Certification of survey and accuracy of survey by the surveyor			X
(27)	Certification of ownership, title and dedication by the developer			X
(28)	Certification of the developer's engineer that the design meets the County's design standards			X
(29)	Signature block for Planning Board Approval			X
(30)	Signature block for the County Road Superintendent to certify approval of streets, grading and drainage improvements and easements; and receipt of required Maintenance Bonds			X
(31)	Signature block for the Arkansas Department of Health to certify approval of water and sanitary sewer improvements			X
(32)	Guarantees in lieu of improvements		X	X

(33)	A notice stating: "Each individual lot developer shall obtain approval of septic system from the Washington County Health Department Sanitarian Division."			X
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(Ord. No. 91-9, Art. 1, § 2.07, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Sec. 11-78. Reserved.

Editor's note: Ord. No. 2006-34, Art. 1, adopted June 8, 2006, repealed § 11-78 in its entirety, which pertained to variations, and derived from Ord. No. 91-9, Art. 1, § 2.08, adopted April 11, 1991; Ord. No. 2005-3, Arts. 1--3, adopted February 10, 2005.

Sec. 11-79. Exemptions.

(a) The intent of these exemptions is to achieve the following:

- (1) To balance private and public interests;
- (2) To expedite the review and approval process for subdivisions that may have a low impact on public resources, facilities, and services and/or the need for them;
- (3) To expedite the distribution of land among family members;
- (4) To promote safety;
- (5) To monitor the growth and development of the county;
- (6) To ensure proper legal descriptions, identification and recordation of subdivided land boundaries; and
- (7) To protect natural resources.

(b) The following are exempt from the provisions specified in the county development regulations:

- (1) The division of land into parcels for the purpose of selling or donating the parcels to family members. Only one (1) such division shall be allowed per family member and all parcels must be at least one (1) acre in size.
- (2) The division of land into an unspecified number of tracts, each of which are at least forty (40) acres, more or less, in size.
- (3) The division of land into four (4) parcels, three (3) of which must be at least five (5) acres, and one which may be at least one (1) acre. Previous divisions for family members shall not be counted toward the four parcels exempted in this section.

- (4) The division of land for the sale or exchange of tracts between adjoining landowners, where such sale or exchange does not create additional lots.
 - (5) The division of land which may be ordered by a court.
 - (6) The division of land which is to be used for cemetery purposes, and the division of land to create burial plots in a cemetery.
 - (7) The public acquisition of strips of land for the widening or opening of streets and/or easements.
 - (8) The transfer of an interest in land for mortgages, liens or deeds of trust provided that the division of land is not the result of a seller-financed transaction.
 - (9) A division of land for the purpose of conveying a parcel(s) to a public service, nonprofit organization.
 - (10) A conveyance made to correct errors in prior conveyances.
 - (11) The division of land creating no more than four (4) lots, regardless of size and public road frontage, that is in a territorial planning area pursuant to Ark. Code Ann. § 14-56-413 and has been approved by the Planning Commission of the appropriate city.
- (c) Exemptions (1) through (3) above are subject to the following:
- (1) Owners are not required to improve, maintain or dedicate right-of-way along existing public roads, except that the County Road Superintendent may set the standard for drainage tiles. There shall be a deed restriction with each land conveyance stating that no new improvements will be constructed on any new or existing parcels within a sufficient distance (as determined by the County road plan) from the centerline of any existing public road to accommodate future road improvements.
 - (2) Only two (2) parcels may be created without public road frontage. Parcels not fronting a public road must be connected to a public road with an easement for ingress, egress and utilities. The easement must be a total width of thirty (30) feet, and can be a shared easement (see the definition of "shared easement").
 - (3) Parcels fronting a public road must have at least one hundred (100) feet of frontage if they are less than five (5) acres in size, and at least one hundred sixty-five (165) feet of frontage if they are five (5) acres or greater in size.
 - (4) A survey is recommended but not required. Before a transaction can be considered exempt, such must be approved by the Planning Administrator. If a survey is done then the person seeking approval shall cause the survey to be recorded with the Circuit Clerk.

(d) Setbacks as set out below shall be required for all parcels smaller than twenty (20) acres.

1. Side setback from property line (feet) . . . 10
2. Rear setback from property line (feet) . . . 20
3. Front building setback from street ROW (feet) . . . 25

(e) To effectively administer the above, a survey shall be required for all exempt lot splits (as set out in Section 11-61 now Section 11-79 above) where all tracts created are less than twenty (20) acres each; this shall include the remaining tract if such is less than five (5) acres. The remaining tract is hereby defined as the tract retained by the owner of the property who is seeking the exempt split. The person seeking approval shall cause said survey to be recorded with the Circuit Clerk.

(f) As exempt splits have no formal utility review at this time, the front setback (25 feet from ROW) should be also denoted on the survey as a public utility easement.

(Ord. No. 98-10, Art. 1, 3-12-98; Ord. No. 99-9, Arts. 1, 2, 3-11-99; Ord. No. 99-32, Art. 1, 7-8-99; Ord. No. 2002-34, Art. 1, 9-12-02; Ord. No. 2006-74, Art. 1(d)--(f), 12-14-06; Ord. No. 2007-33, Arts. 1, 2 7-12-07; Ord. No. 2007-40, Art. 1, 9-13-07)

Secs. 11-80--11-85. Reserved.

DIVISION 3. DESIGN STANDARDS

Sec. 11-86. Conformity.

The proposed land development shall meet the provisions of this Division.

(Ord. No. 91-9, Art. 1, § 3.01, 4-11-91)

Sec. 11-87. Fitness for development.

(a) *Flood Hazard Areas:* A Flood Hazard Area is one subject to a base flood as defined by the Federal Insurance Administration and as identified on its "Flood Hazard Boundary Map" as provided by FEMA. A copy of the map shall be displayed in the Washington County Planning Office. The following regulations apply to Flood Hazard Areas:

(1) No plat of a land development shall be approved that contains lots or building sites in a flood hazard area unless the elevation of the sites for structures are above the level of the base flood.

(2) When a portion of a land development contains portions of flood hazard areas, they shall be clearly delineated on the Preliminary and Final Plats. No structures shall be constructed in the areas so designated (see section 11-59).

(b) Based on topographic maps, soil surveys prepared by the U.S. Department of Agriculture, and drainage information, the Planning Board may require that steep grades, unstable soil and floodplains be set aside and not subdivided until corrections are made to protect life, health, and property.

(Ord. No. 91-9, Art. 1, § 3.02, 4-11-91)

Sec. 11-88. Residential lot and block standards for subdivisions.

(a) The following standards apply:

Minimum Subdivision Lot Standards

Area (square feet), excluding access easements . . . 10,000

Side setback from property line (feet) . . . 10

Rear setback from property line (feet) . . . 20

Frontage (feet) . . . 75

Frontage for all cul-de-sac lots (to be measured from the building setback line) . . . 75

Front building setback from street ROW (feet) . . . 25

Corner lot building setback from street ROW (feet) . . . 25

(Applicable to any side of lot adjacent to ROW).

(b) Individual lots that require both a septic system and water well shall be of sufficient size to satisfy State Health Department requirements for safe water of septic system. Minimum frontage shall be seventy-five (75) feet.

(c) Residential Lot Size and Shape: The size and shape of the lots shall not be required to conform to any stipulated pattern, but insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.

(d) Residential Blocks:

(1) *Width*: Blocks shall be two (2) tiers of lots wide, except where topography, highways, railroads, streams, utility lines or other physical features will not permit.

(2) *Length*: Blocks shall be at least three hundred (300) feet long, but no longer than fourteen hundred (1,400) feet.

(3) *Easements*: Where required for drainage and utilities, easements shall be at least fifteen (15) feet wide. If there is an adjoining easement, the total combined width of both easements shall be at least fifteen (15) feet.

Easements of adequate width in accordance with engineering or open space standards shall be provided for open drainage channels or scenic stream beds, where required.

(Ord. No. 91-9, Art. 1, § 3.03, 4-11-91; Ord. No. 2005-58, Art. 1, 10-13-05; Ord. No. 2005-66, Art. 1, 11-10-05)

Sec. 11-89. Lot and block standards for mobile home parks.

(a) *Lot Size and Density*:

(1) A minimum of fifty-five hundred (5,500) square feet shall be provided for each single mobile home, and a minimum of ten thousand (10,000) square feet shall be provided for each double mobile home excluding access easements. Mobile homes shall be separated from each other and from other buildings and structures by at least fifteen (15) feet.

(2) All standards contained in "Rules and Regulations Pertaining to Mobile Homes and Travel Trailer Parks" adopted by the Arkansas State Board of Health shall apply.

(b) *Boundary and Buffer Areas*: Depending upon location, density of proposed mobile home park and other factors, the Planning Board may require buffers where deemed necessary.

(c) *Road and Street Maintenance*: All roads and streets within the mobile home park or providing access to the mobile home park that will be dedicated to the County shall be designed and constructed in accordance with the design requirements and specifications contained in this Article. All private access roads and streets shall be maintained by the landowner and private maintenance signs shall be posted at the beginning of the private drive.

(d) *Parking*: At least two (2) off-street designated parking spaces shall be provided for each mobile home.

(e) *Tie-Downs*: Tie-downs, in accordance with State and Federal Regulations, shall be constructed and made available to the mobile home park tenants.

(f) *Easements*: Easements at least fifteen (15) feet wide shall be provided, where needed, for utilities. Easements of adequate width in accordance with engineering or open space standards shall be provided for open drainage channels or scenic stream beds, where required.

(Ord. No. 91-9, Art. 1, § 3.04, 4-11-91)

Sec. 11-90. Street design criteria for land development.

All design criteria for streets and roads in land developments are contained in Table 1 and Table 2 of Appendix A and as follows. The traffic classification and soil types described in Appendix A of this chapter, and as follows, shall be used to determine the minimum pavement structure for each proposed street or road.

(1) *Extensions*: All street and road extensions shall meet all design standards unless approved by the County Judge in writing.

(2) *Substandard widths*: Land developments that adjoin substandard existing county roads shall meet the requirements contained in section 11-95.

(3) *Street names and numbers*: Names and numbers of streets and roads shall be consistent with natural alignment and extensions of existing streets or roads. New street or road names must be used which will not duplicate or be easily confused with existing names and must be approved by the County 9-1-1 Data Base Coordinator. Each development shall be reviewed by the 9-1-1 Data Base Coordinator to assign 9-1-1 addresses to each lot and said lot addresses shall be shown on the Final Plat.

(4) *Curb and gutter*: The curb and gutter, if required or if used, shall be designed and constructed in accordance with the requirements of this Article. Curb and gutter sections are encouraged in industrial and commercial areas. Also, the required right-of-way may be reduced in curb and gutter sections.

(5) *Tangents*: A straight tangent at least one hundred (100) feet long shall separate reverse curves.

(6) *Temporary cul-de-sac*: Temporary cul-de-sac designed to provide future connections with adjoining undeveloped areas shall provide a temporary

turnaround easement and shall be designed in a manner which will prevent excessive accumulation of runoff water at the dead end. However, said cul-de-sac shall not exceed one thousand two hundred (1,200) feet in length, measured to the outer edge of the turnaround from the edge of the right-of-way of the existing county road which serves as access to the land development.

(7) *Permanent cul-de-sac:* Streets with permanent cul-de-sacs shall not exceed twelve hundred (1,200) feet in length, measured to the outer edge of the turnaround, from the edge of the right-of-way of the existing county road which serves as access to the land development. All turnarounds shall have radii as follows:

- a. Hard surface pavements: Surface radius with curb and gutter at forty-five (45) feet; without curb and gutter at fifty (50) feet. Right-of-way with curb and gutter shall be fifty (50) feet; without curb and gutter, sixty (60) feet.
- b. Gravel surface: Driving surface radius shall be at fifty (50) feet with a sixty-foot right-of-way.

Alternative methods that may be used to conform to the cul-de-sac lengths, include but are not limited to:

- (a) Divided entrances;
- (b) Emergency access only roads, with or without gating; and/or
- (c) Bonds or other adequate surety to insure future improvement of alternative access roads.

Such alternative methods shall be approved by the County Judge and the County Fire Marshal and such approval shall not be unreasonably or arbitrarily withheld.

(8) *Intersections:* Streets shall be designed to intersect as nearly as possible at right angles, provided that no street shall intersect at any other street at less than seventy-five (75) degrees.

- a. Intersections of local streets shall have a minimum driving surface radius of thirty (30) feet.
- b. Intersections of collector or high-density residential streets shall have a minimum driving surface radius of forty (40) feet.
- c. All corner radii must be shown on the street improvement plan.

(9) *Street grades:* Street grades shall conform to the following:

- a. Street grades for arterial highways should not exceed ten (10) percent; grades for all other classifications of streets should not exceed twelve (12) percent.

(*Exceptions:* Grades of up to seventeen (17) percent will be accepted for a distance not to exceed three hundred (300) feet and in such cases concrete surfacing with curb and gutter may be required based on storm drainage provisions.)

- b. All changes in grade shall be connected by a vertical curve of a reasonable radius to assure adequate sight distance.
- c. In approaching intersections, there shall be a suitable leveling of the street grade, generally not exceeding five (5) percent, for a distance of not less than fifty (50) feet from the nearest line of the intersecting street.
- d. To the extent possible and practical, all minor streets and driveways should be sloped away from the major street or County road to prevent water and debris from being deposited on the major street or road.
- e. The grade within the intersection should be as level as possible, and consistent with proper provisions for drainage.

(10) In platting lands abutting federal and state highway or other arterial traffic ways, every effort shall be made (a) to cushion the adverse impact of heavy or high-speed traffic on such lands, especially where used for residential purposes; (b) to minimize interference with through traffic operations; and (c) to reduce vehicular and pedestrian accident hazards.

(11) *Private roads*: Privately maintained roads may be established in certain circumstances as follows:

- a. Subdivisions containing four (4) or fewer single-family residential lots may elect to establish a private road to serve the lots, provided the road right-of-way connecting the lots to the county road is a minimum width of thirty (30) feet.
- b. Subdivisions containing five (5) to ten (10) single-family residential lots may elect to establish a private road to serve the lots. However, the road connecting the lots to the county road must be constructed to the specifications noted below. Before final plat approval, the road superintendent shall visually inspect the road to ensure that general compliance with the specifications noted below have been met:
 - 1. Fifty-foot road right-of-way;
 - 2. Fourteen-foot road wide road surface with eight-inch compacted SB-2, or six-inch compacted SB-2 on a prepared subgrade;
 - 3. Four-foot shoulder;
 - 4. Four-foot ditch;
 - 5. Twelve (12) percent maximum grade;
 - 6. Fifty-foot minimum cul-de-sac radius at the end;
 - 7. Drainage provided with adequate pipes and culverts as necessary.
- c. A development that utilizes, in whole or in part, a private road for access shall be referred to as a "private road development" or "PRD".

d. In all the cases, the developer shall be responsible for paying the county road department for the purchase and installation of a sign indicating that the road is maintained by the property owners.

e. In all cases, the plat shall note, in a noticeable fashion, the following, "NOTICE: THIS ROAD IS NOT CONSTRUCTED TO THE COUNTY STANDARD. THE MAINTENANCE OF THE ROAD IS THE RESPONSIBILITY OF THE CURRENT AND FUTURE PROPERTY OWNERS. THE ROAD WILL NOT BE ACCEPTED FOR MAINTENANCE BY THE COUNTY UNTIL IT IS CONSTRUCTED TO THE COUNTY STANDARD AT THE EXPENSE OF THE PROPERTY OWNERS."

f. In all cases, the developer shall file for public record a "Private Road Maintenance Disclosure Statement" (provided in Part II, Technical Provisions, Appendix C).

g. All new private road subdivisions must have their proposed private roads named according to 9-1-1 procedure (submittal and approval of the proper paperwork through the 9-1-1 addressing office) prior to the final subdivision plat approval. The private road subdivision developer or applicant shall be responsible for erecting the street sign stating the name of the private road prior to final plat approval. The sign placement must be inspected by the 9-1-1 Addressing Office or the County Planning Office, and be in accordance with U. S. Department of Transportation Manual on Uniform Traffic Control Devices.

(Ord. No. 91-9, Art. 1, § 3.05, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99; Ord. No. 2006-43, Arts. 1-3, 7-13-06; Ord. No. 2008-19, Art. 1, 4-15-08)

Sec. 11-91. Sidewalks.

If sidewalks are used or required, Appendix A designates the width and thickness. To the extent possible, all sidewalks should be located at the right-of-way line. At all driveways, the curb and gutters and sidewalks shall be modified to accommodate the handicapped.

(Ord. No. 91-9, Art. 1, § 3.06, 4-11-91)

Sec. 11-92. Storm drainage systems.

Storm frequencies for use in design should generally be according to AASHTO and FHWA criteria and the minimum frequencies given below of the various classes of roads. No exact criteria for flood frequency of allowable backwater/headwater values can be set which will apply to an entire project or roadway classification. The flow of water in the gutter should be restricted to a depth, and corresponding width, which will not severely obstruct or cause a hazard to traffic. This flow is a function of the quantity of water, the gutter gradient, roughness of the pavement where the flow is contained, and cross section shape of the flow area. The engineer shall provide complete documentation concerning the selection of design frequency and criteria.

(1) The developer shall install storm drainage facilities, including drains, sewers, catch basins and culverts necessary for the proper drainage of all surface water, and serve the entire drainage area.

(2) All surface water drainage shall be transported to existing storm sewers, drainage facilities, or natural ditches or streams approved by the County Road Superintendent.

(3) The developer is responsible for correcting any drainage or flooding problems occurring on adjacent or downhill or downstream property as a result of the development.

(4) Minimum flood frequency for subdivision and mobile home streets is as follows:

a. *Cross drains:*

1. *Class III and IV roads:* 25-year flood, unless the adjacent structures in the drainage area are designed to a higher flood frequency.

2. *Class I and II roads:* 10-year flood if the drainage area is less than two (2) square miles and the ADT is less than 750. If either is exceeded, use a 25-year flood frequency.

b. *Storm sewers:*

1. *Class III and IV roads:* 25-year flood unless the connecting system is designed to a higher flood frequency.

2. *Class I and II roads:* 10-year flood unless the connecting system is designed to a higher flood frequency.

Note: If local drainage facilities and practices have provided drains of a lesser standard than specified above, special consideration should be given to whether it is realistic to design the proposed system to a higher standard than available outlets.

(5) The County Road Superintendent shall approve any changes in the storm drainage system.

(6) The provisions herein are also meant to authorize detention and/or retention ponds when deemed necessary by the County Engineer to address drainage within a land development and on surrounding properties; the quantity and the quality of any runoff from any development shall not be substantially altered from pre-development conditions.

(7) The County Engineer is hereby authorized to promulgate rules and regulations to further effectuate the goals of this ordinance, subject to approval by the Quorum Court.

(Ord. No. 91-9, Art. 1, § 3.07, 4-11-91; Ord. No. 2006-53, Art. 1, 9-14-06)

Sec. 11-93. Culverts and bridges.

Culverts and bridges shall be installed where needed in accordance with existing Arkansas Highway and Transportation Department Standards and Specifications. They shall be designed for an H-20 load.

(Ord. No. 91-9, Art. 1, § 3.08, 4-11-91)

Sec. 11-94. Pavement section design for land developments.

(a) *Street Classifications for Pavement Design.* The street classifications contained below shall be used to select the Street Geometrics contained in Table 1 of Appendix A and the Pavement Structure contained in Table 2 of Appendix A. Both of the appendices referenced are located in Part II, Technical Provisions.

Note: In this Article, the following street classifications by traffic and eighteen (18) kip EALs are used primarily to determine the structural pavement sections. These street classifications should not be confused with the Functional Street Classifications.

Each street shall be classified by function and/or traffic in one (1) of the following classes:

(1) *Class I--light residential:* This would be rural residential streets and drives which have light traffic and little or no truck traffic, short dead-end streets, and possibly short cross streets with less than fifty (50) vehicles per day and not more than five (5) average eighteen-kip EALs per day, or not more than thirty-six thousand five hundred (36,500) total eighteen (18) kip EALs during the twenty-year design period.

(2) *Class II--residential, minor residential collector and light commercial:* This would include (a) residential subdivision streets with no through traffic; (b) cross streets in the established street system; (c) light commercial streets in a small commercial area. These streets would have an average of fifty (50) to two hundred fifty (250) vehicles per day and not more than ten (10) average eighteen (18) kip EALs per day, or not more than seventy-three thousand (73,000) total kip EALs during the twenty-year design period.

(3) *Class III--residential collector and commercial streets:* This would include (a) the major streets in a residential subdivision used to get to the through streets or highway; collectors will have the right-of-way over the above Class I and II streets; and (b) commercial streets. They would have an average of two hundred fifty (250) to five hundred (500) vehicles per day and not more than forty (40) average eighteen (18) kip EALs per day, or not more than two hundred ninety-two thousand (292,000) total eighteen (18) kip EALs during the twenty-year design period.

(4) *Class IV--minor residential arterial, heavy commercial, and light industrial streets:* These streets would include (a) through streets in a residential subdivision; (b) heavy commercial streets; and (c) light industrial streets. They would have an average of five hundred (500) to eight hundred fifty (850) vehicles per day and not more than eighty (80) average kip EALs per day, or not more

than five hundred eighty-four thousand (584,000) total kip EALs during the twenty-year design period.

(5) *Class V*: All higher class streets and highways, or any time the eighty (80) average eighteen (18) kip EALs or the five hundred eighty-four thousand (584,000) average eighteen (18) kip EALs are expected to be exceeded, formal design procedures shall be used for each individual street. The PCA, TAI, AASHTO, or other recognized design procedures may be used. The design for each street or highway shall be approved by the County Road Superintendent.

***ADT may be estimated at the rate of five (5) round trips per resident or dwelling unit.

***EALs for Class I and II streets based on one hundred (100) percent of the one-way ADT times a load factor of 0.09 for single-unit trucks, plus five (5) percent of the one-way ADT times a load factor of 1.00 for multiple-unit trucks.

***EALs for Class III and IV streets are based on one hundred (100) percent of the one-way ADT times a load factor of 0.09 for single-unit trucks, plus ten (10) percent of the one-way ADT times a load factor of 1.00 for multiple-unit trucks.

(b) *Soil Classifications*: The subgrade soils shall be classified according to the Group Index Classification into the following three (3) major soil types:

(1) *Sands and Gravels*: A-1, A-2, and A-3 Group Index. These are nonplastic materials with gravel and sand-size material.

(2) *Silts*: A-4 and A-6 Group Index. The A-4 soil is a minus-40 sieve size which has an LL less than 40 and a PI less than 10. The A-6 soil is a minus-40 sieve material with an LL less than 40 and a PI more than 10. Both soils have very little clay.

(3) *Clays*: A-5, A-7 and A-7-6 Group Index. These are the clays and have an LL greater than 40 and an PI greater than 10. The AS Group Index classification soils have an LL greater than 40 and a PI less than 10. A-7 Group Index soils are very poor soils which should be avoided if possible.

(c) *Pavement Sections*: The pavement sections for Class I, II, III and IV streets shall meet or exceed the following requirements:

(1) All streets shall be classified according to traffic and subgrade soil type. The results of the sieve analysis and LL and PI test run during the construction of the subgrade shall be used to verify the soil type used in the pavement design. If the soil type changes, the pavement structure shall be redesigned accordingly. It is strongly recommended that the engineer have preliminary sieve analysis and LL and PI tests performed before detailed plans and specifications for the streets are prepared. Copies of all test results shall be provided to the County Road Superintendent.

(2) Regardless of the design procedures used, the proposed pavement sections for Class I, II, III and IV streets shall be equal to or exceed the minimum pavement sections shown in Table 2, Minimum Pavement Sections, of Appendix

A, Part II, Technical Provisions, for the particular street classification and soil type, with the following exceptions:

- a. A pavement structure of six (6) to eight (8) inches of compacted crushed stone base and a double bituminous surface treatment may be approved for residential streets and county roads with light traffic and little or no truck traffic. Such conditions may occur in the following: (a) small rural subdivisions and mobile home parks; (b) rural subdivisions with large three- to five-acre lots; or (c) existing minor county roads meeting these criteria.
- b. Paved roads are required in all developments except for those which qualify to be built as private roads.

(3) Formal design procedures, such as the PCA, TAI, AASHTO, shall be used for all Class V and higher streets, or when the projected daily eighteen (18) kip EALs load exceeds eighty (80), or when the total eighteen (18) kip EALs for the twenty-year design period exceeds five hundred eighty-four thousand (584,000).

(Ord. No. 91-9, Art. 1, § 3.09, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99; Ord. No. 2006-47, Art. 1, 8-10-06)

Sec. 11-95. Requirements for improving off-site roads.

(a) *Existing County roads:* When a proposed land development causes a need for improvements to off-site roads and dedication of right-of-way, the developer shall be responsible in conformance with County standards for the following:

(1) In all cases, for the entire length of the proposed land development, the developer shall dedicate a minimum of thirty (30) feet of right-of-way measured from the centerline of the existing County road. For unusual alignment or terrain conditions, the Planning Board and/or County Judge may require a greater width of right-of-way dedication. The required width of right-of-way dedication shall be determined during the Preliminary Plat review and approval stage; in any event said dedication must bear a reasonable relationship to the needs created by the proposed land development.

When the proposed development is of a size and magnitude to show cause for additional off-site road improvements that the County does not have in its annual Plan, any off-site road shall be improved by and at the expense of the Developer in accordance with County standards; subject to the reasonable relationship test as stated above.

(2) The road improvement cost shall include, but not be limited to, the costs of right-of-way clearing, roadway excavation and embankment, bridges, pipe and box culverts, roadway shaping, drainage blankets, base, paving, utility adjustments, and miscellaneous items. The Developer's proportionate share of the road improvements costs shall bear a reasonable relationship to the needs created by the land development.

(3) The type of road improvement shall be based on the Washington County Policy for Improving County Roads. The Developer's proportionate share of the cost of improving the County road shall be determined by the County Road Superintendent based on the reasonable relationship test set out above.

(4) The Washington County Policy for Improving County Roads is as follows: Depending on the road classification, surface type, surface width and condition, traffic, terrain, alignment, drainage and budget, one (1) of the following types of improvements shall be made:

- a. Patching and bituminous surface treatment within existing right-of-way with some possible alignment and drainage work; or
- b. Patching and hot mix overlay within existing right-of-way with some possible drainage and alignment work; or
- c. Reconstruction of the road to the County standards, involving right-of-way clearing, drainage structures, shaping roadway, drainage blankets, base, paving and miscellaneous items. Paving shall be waived for developments not meeting the criteria noted below for paved roads. Paving, if required, shall consist of a double bituminous surface treatment or asphalt hot mix surface course. Paved roads are required in all developments except for those which qualify to be built as private roads.

(5) The required off-site improvements and the developer's proportionate share of the cost shall be determined at the Preliminary Plat review and approval stage.

(6) It shall be the responsibility of the Developer to acquire and dedicate any necessary right-of-way subject to the reasonable relationship test set out above.

(7) It shall be the responsibility for the Developer's Engineer to certify that the proposal of the Developer regarding roads will be adequate based on a traffic study and minimum standards of the County subject to review of an Engineer retained by the County Judge, at the expense of the Developer.

(b) *Existing private roads:* When a proposed land development has direct access to or fronts on an existing private road, the developer shall be responsible for the following:

(1) If the entire length of the drive serves four (4) or fewer single-family residential lots, counting both existing lots and those proposed, the portion of the private road connecting the proposed lots to the county road must be a thirty-foot right-of-way.

(2) If the entire length of the drive serves five (5) to ten (10) single-family residential lots, counting both existing lots and those proposed, the portion of the private road connecting the proposed lots to the county road must meet the specifications noted below. Before final plat approval, the Road Superintendent shall visually inspect the road to ensure that general compliance with the specifications noted below have been met:

- a. Fifty-foot road right-of-way;

- b. Fourteen-foot road wide road surface with eight-inch compacted SB-2, or six-inch compacted SB-2 on a prepared subgrade;
- c. Four-foot shoulder;
- d. Four-foot ditch;
- e. Twelve (12) percent maximum grade;
- f. Fifty-foot minimum cul-de-sac radius at the end;
- g. Drainage provided with adequate pipes and culverts as necessary.

(3) If the entire length of the drive serves more than ten (10) single-family residential lots, counting both existing lots and those proposed, the portion of the private road connecting the proposed lots to the county road must be constructed to the county standard and will be accepted for maintenance, thereafter, by the county.

(4) In cases 1 and 2 above, a development that utilizes, in whole or in part, a private road for access shall be referred to as a "Private Road Development" or "PRD".

(5) In cases 1 and 2 above, the developer shall be responsible for paying the county road department for the purchase and installation of a sign indicating that the road is maintained by the property owners.

(6) In cases 1 and 2 above, the plat shall note, in a noticeable fashion, the following, "NOTICE: THIS ROAD IS NOT CONSTRUCTED TO THE COUNTY STANDARD. THE MAINTENANCE OF THE ROAD IS THE RESPONSIBILITY OF THE CURRENT AND FUTURE PROPERTY OWNERS. THE ROAD WILL NOT BE ACCEPTED FOR MAINTENANCE BY THE COUNTY UNTIL IT IS CONSTRUCTED TO THE COUNTY STANDARD AT THE EXPENSE OF THE PROPERTY OWNERS."

(7) In cases 1 and 2 above, the developer shall file for public record a "Private Road Maintenance Disclosure Statement" (provided in Part II, Technical Provisions, Appendix C).

(8) All new private road land developments must have their proposed private roads named according to 9-1-1 procedure (submittal and approval of the proper paperwork through the 9-1-1 Addressing Office) prior to the final plat approval. The private road developer or Applicant shall be responsible for erecting the street sign stating the name of the private road prior to final plat approval. The sign placement must be inspected by the 9-1-1 Addressing Office or the County Planning Office, and be in accordance with U. S. Department of Transportation Manual on Uniform Traffic Control Devices.

(Ord. No. 91-9, Art. 1, § 3.10, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99; Ord. No. 2006-32, Art. 1, 6-8-06; Ord. No. 2006-47, Art. 2, 8-10-06; Ord. No. 2008-19, Art. 2, 4-15-08)

Sec. 11-96. Water systems for land developments.

The water supply system shall be approved by the Arkansas Department of Health or its authorized agent and shall meet the requirements noted below, based on the availability of a public water supply:

(1) *Available public water supply:* When an approved public water supply is within fifteen hundred (1,500) feet of a land development, the Developer shall provide a potable water system with service to each individual lot within the land development.

(2) *Private water supply:* When an approved public water supply is not within fifteen hundred (1,500) feet of a land development, another water supply system proposed by the developer must be approved by the Arkansas Department of Health in order to assure that the private water supply system will provide an adequate supply of potable water to every lot in the land development.

(3) Individual service lines and connections shall be made prior to the base and curb and gutter construction phase of the street improvement. Individual service lines and connections made prior to the base and curb and gutter phase may be installed by open trench construction provided all open cuts across the roadway portion are backfilled entirely with SB2. When individual service lines and connections are made after the pavement is completed, they shall be installed by boring only. Pavement cuts will not be allowed, except in extreme and unusual circumstances.

(Ord. No. 91-9, Art. 1, § 3.11, 4-11-91)

Sec. 11-97. Sanitary sewer system for land development.

The sanitary sewer system shall be approved by the Arkansas Department of Health and shall meet the requirements noted below, based on the accessibility of a public sanitary sewer system:

(1) *Accessible public sanitary sewer system:* When an approved public sanitary sewer system is reasonably accessible, the developer shall install a system of sanitary sewer mains and shall connect to such system, and each lot within the land development shall be provided with a connection to the public sanitary sewer system. The sanitary sewer system and connections shall be approved by the Arkansas Department of Health.

(2) *Community sanitary sewer systems:* When an approved public sanitary sewer system is not reasonably accessible, the developer shall install a community sewage treatment system or plat the minimum lot size to accommodate individual sewage disposal systems. The community sewage system and/or minimum lot size and individual sewage disposal system shall meet the Arkansas Department of Health requirement for land development, and shall be approved by the Arkansas Department of Health.

(3) Individual service lines and connections shall be made prior to the base and curb and gutter construction phase of the street improvement. Individual service lines and connections made prior to the base and curb and gutter phase may be installed by open trench construction provided all open cuts across the roadway portion are backfilled entirely with SB2. When individual service lines and connections are made after the pavement is completed, they shall be installed by boring only. Pavement cuts will not be allowed, except in extreme and unusual circumstances.

(4) (a) Any land development as defined in this Code that utilizes septic systems, also known as Individual Sewage Disposal Systems, must be designed so that the tank, lateral lines and alternate area are all located on one (1) lot, parcel, tract or dwelling unit.

(b) Only one (1) septic system shall be allowed on any lot, parcel, tract or dwelling unit.

(c) Any such septic system must be located on the lot, parcel, tract or dwelling unit to be served by said system.

(Ord. No. 91-9, Art. 1, § 3.12, 4-11-91; Ord. No. 2007-18, Art. 1, 4-12-07)

Sec. 11-98. Dedication of land for public park sites.

In all land developments, the developer may designate areas for parks, playgrounds, recreational areas and/or green spaces. If the developer proposes to dedicate any of these areas to the County, they must be consistent with the local planning jurisdiction and they must have the approval of the County Judge at the Preliminary Plat review and approval stage. Otherwise, the developer shall make provisions for the maintenance of these areas by an escrow fund, property owner's association, or other such means.

(Ord. No. 91-9, Art. 1, § 3.13, 4-11-91; Ord. No. 2001-22, Art. 1, 4-12-01)

Sec. 11-99. Seller of any residential or business structure or land upon which a residential or business structure is to be constructed or placed to procure a certificate from the Washington County Health Department that the septic system is approved or the land has been tested and approved for installation of a septic system; required.

(a) No residential or business structure that would require a septic system or tract of land upon which such residential or business structure is to be constructed or placed with or without an existing system shall be sold until the seller of the residential or business structure or tract procures at the seller's expense a certificate or permit from the Washington County Health Department.

(b) Said certificate or permit shall comply with regulations of the Washington County Health Department so as to ensure that the soil is suitable for a septic system and does not in conjunction with surrounding systems contribute to a danger to public health or the ground water, including but not limited to phosphorus levels.

(c) The cost of said inspection and approval may be collected at closing of any such sale.

(d) This section shall apply to the unincorporated portions of Washington County, Arkansas.

(e) A violation of this section shall be punishable by a fine of up to five hundred dollars (\$500.00) and, if of a continuing nature, two hundred fifty dollars (\$250.00) per day for each day such violation exists.

(Ord. No. 2003-37, Arts. 1--5, 7-10-03)

Editor's note: Ord. No. 2003-37, Arts. 1--5, adopted July 10, 2003, did not specifically amend the Code, hence inclusion as § 11-99 was at the editor's discretion.

Sec. 11-99.1. Community sewer systems.

(1) "Community sewer systems," also known as "decentralized sewer systems", are defined as follows: Any system serving two (2) or more individual lots for the collection and disposal of domestic or industrial wastewater of a liquid nature, including various devices for the collection, conveyance and treatment of the treated wastewater effluent and the monitoring of the affected groundwater quality and the management of the associated solid waste byproducts (septage and sludge).

(a) Community sewer systems are also defined as more than one (1) septic system that utilizes a common area for lateral lines and/or utilizes a common area for the alternate area as required by the Health Department.

(2) The responsible management entity (RME) as defined and determined by the County Judge of Washington County shall comply with the rules and regulations of the Arkansas State Health Department and the Arkansas Department of Environmental Quality.

(3) The RME shall charge a sufficient rate or fee that includes reserves for operation and maintenance, emergencies, and capital improvements; the County Judge is hereby authorized to promulgate rules and regulations concerning such, and is also given the authority to administer all other terms of this Ordinance; and promulgate any additional regulations it deems necessary.

(4) The RME shall within ninety (90) days from the date of this article report to the County Judge the following:

(a) The name and location of the land development to be served by said system and the type of system that is being utilized;

(b) The number of lots or units if applicable to be served by said system;

- (c) The rate or fee that will be charged to the property owner or user to be served by said system.
 - (d) The amount of reserves that will be built into any rate or fee along with evidence indicating how these reserves are adequate and appropriate to provide long-term sustainable system performance and compliance with permits;
 - (e) The legal entity that will own and retain the services of the licensed operator of the system and the exact name, address and phone number of said entity and operator;
 - (f) A copy of the contract to be executed for the operation of the system;
 - (g) Plans to enforce and collect the rate or fee to be charged; and
 - (h) Any other matter deemed relevant by the County Judge.
- (5) The RME shall report to the County Judge, upon request, any matters relevant to the operation of said system including, but not limited to operation and maintenance issues, environmental issues, financial matters, customer service issues, and any other matter deemed relevant by the County Judge. A bond in an amount to be determined by the County Judge shall be posted, by the RME to ensure compliance with this section and any regulations promulgated hereto.
- (6) This Ordinance shall be applicable throughout the unincorporated area of the County including the extra-territorial growth area of any incorporated City. This Ordinance shall not be applicable in the event any such system is or becomes owned, maintained, or operated by an incorporated city or other public entity. In the event that an incorporated city or other public entity enacts ordinances or rules and regulations concerning said systems, then the more stringent provisions shall apply.
- (7) A violation of this section or any regulation promulgated hereto by the County Judge shall be enforceable by appropriate civil action by the County Judge. Such civil remedy shall include but is not limited to injunctive relief, civil sanctions, removal of the RME, the owner, and/or the operator from operating or in any other manner managing said system; attorneys fees and any other costs related to any civil action.
- (8) This section does not authorize the County, any County Department, Board, or Commission to take ownership, permanently or temporarily, or to take over operation or maintenance of any such system.
- (9) No land development that will utilize a Community Sewer System may receive final approval until the following information has been supplied to the Public Utility Coordinator on behalf of the County Judge:
- (a) The name and location of the land development to be served by said system and the type of system that is being utilized;
 - (b) The number of lots or units if applicable to be served by said system;
 - (c) The rate or fee that will be charged to the property owner or user served by said system;

- (d) The amount of reserves that will be built into any rate or fee along with evidence indicating how these reserves are adequate and appropriate to provide long-term sustainable system performance and compliance with permits;
- (e) The legal entity that will own and retain the services of the licensed operator of the system and the exact name, address and phone number of said entity and operator;
- (f) A copy of the contract to be executed for the operation of the system;
- (g) Plans to enforce and collect the rate or fee to be charged; and
- (h) Any other matter deemed relevant by the Public Utility Coordinator.

(10) The Public Utility Coordinator shall participate in all plat reviews and sign the final plat indicating compliance with this section.

(11) This section is hereby amended to also be applicable to any such system located within the corporate limits of any incorporated city upon execution of an interlocal agreement that addresses the financial responsibilities of the parties to said agreement.

(Ord. No. 2005-39, Arts. 1--8, 7-14-05; Ord. No. 2005-43, Art. 1, 8-11-05; Ord. No. 2006-25, Arts. 1, 2, 5-11-06; Ord. No. 2006-46, Arts. 1, 2, 8-10-06;; Ord. No. 2007-14, Arts. 1, 2, 3-8-07; Ord. No. 2007-15, Art. 1, 3-8-07)

Sec. 11-99.2 Flood Hazard Areas.

A Flood Hazard Area is one subject to a base flood as determined by the Federal Emergency Management Agency (FEMA) identified on its Flood Insurance Rate Map (FIRM).

- (1) No plat of a subdivision shall be approved that contains lots or building sites in the flood hazard area unless the elevation of the sites for structures are above the level of the base flood.
- (2) When a portion of a land development contains portions of flood hazard areas, they shall be clearly delineated on the plat. No structures shall be constructed in the areas so designated.

(Ord. No. 91-9, Art. 1, § 1.01, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Note: See also Art. VII of this Chapter.

Note: See editor's note, § 11-55.

Sec. 11-99.3. Gated communities.

(a) Any gated community, or subdivision, in Washington County shall comply with the uniform standards to be promulgated herein. A gated community or subdivision is a residential area containing more than four (4) lots in which access to the subdivision streets is restricted by the use of a guard house or electronic arm and in which residents

may gain entry by using electronic cards, identification stickers, codes, or remote control devices. This definition of gated community shall also include large scale developments, residential or otherwise.

(b) As it is unlawful to block public roads, roads in said communities or subdivisions must be private and thus the County will not accept the roads or streets for maintenance.

(c) As there is a possibility in the future that gates may be removed and the residents may desire that the County accept the roads and streets; said roads and streets must still be built to the specifications as set out in the Regulations, Standards, and Specifications for the Division, Development, and Improvement of Unincorporated Land in Washington County, Arkansas (Washington County Code section 11-51 et seq.).

(d) The County Fire Marshal is authorized to promulgate uniform rules and regulations concerning gated communities or subdivisions, subject to approval by the Quorum Court.

(e) This section shall be amendatory to Washington County Code section 11-51, et seq., and any violation shall be punishable as set out therein.

(f) Rules.

(1) All gates will be siren activated.

(2) All gates will have a keypad accessible to law enforcement personnel (Sheriff's Deputies). Access codes will be provided only to the law enforcement agency charged with law enforcement in that area.

(3) Upon activation, the gates shall remain locked open to allow access by additional responding units. A timed device shall accomplish closure of the gates or a switch-operated relay may be installed near the gate.

(4) A means of mechanical override shall be constructed in a way to allow access by emergency services agencies during power outages or other situations that may not allow the gates to open by an electrical mechanism.

(5) The setbacks from public roads, gate widths, road ways, roadway construction and turn-arounds will be constructed in accordance with county regulations and will accommodate vehicles up to and including tractor trailer vehicles.

(Ord. No. 2003-45, Arts. 1--5, 9-11-03; Ord. No. 2003, 11-13-03; Ord. No. 2008-33, Art. 1, 6-12-08)

Sec. 11-100. Large-scale development standards.

(a) *Large-scale developments* is hereby redefined as follows:

(1) The development of a lot or parcel larger than one (1) acre developed as a single improvement. The term "development" shall include but will not be limited the construction of a new improvement, construction of an addition to an existing

improvement, or a parceling which results in the need for access and utilities;
and,

(2) Shall include commercial land alteration by way of excavating, quarrying, mining, or similar activities; examples include but are not limited to dirt pits, gravel pits, quarries, asphalt plants, concrete and cement plants, and any other commercial operation that would generate heavy traffic such that affected roads would require improvements or increased maintenance or present a danger to the public safety on said roads but in no event shall include a farm or other agricultural facility, nor shall it include a single family residence.

(b) This section shall be applicable only to large-scale developments as set out in subsection (a)(2) above.

(c) Such large-scale developments shall be set back from the edge of any County or public road no less than two hundred fifty (250) feet.

(d) The approach to such large-scale developments from the edge of County or public road to the edge on the development shall be no less than forty (40) feet in width and paved in accordance with specifications to be promulgated by the County Road Superintendent so as to decrease dust, dirt, and mud from being deposited on and around County and public roads. This provision shall not apply to any large-scale development which is situated on an unpaved County or public road; however, in the event said road is later paved then this article will apply to said large-scale development three (3) years from the date of pavement.

(e) Every large-scale development shall develop and submit a dust abatement plan to prevent dust from causing a traffic hazard on County and public roads. Said plan shall include, in accordance with regulations to be promulgated by the County Road Superintendent, the applying of water or a dust palliative as needed.

(f) Every large-scale development shall maintain and clean the approaches as set out above on a regular basis and shall be responsible for removal of any foreign objects on a County or public road which have been deposited on said road as a result of activity generated by said development.

(g) All large-scale developments shall require any vehicle leaving its facility to be securely covered and/or sealed so as to prevent any load from dropping, sifting, leaking, or otherwise escaping therefrom regardless of the date of manufacture as set out in Ark. Code Ann. § 27-35-110.

(h) For reasons of public safety, this article shall have retrospective application to existing large-scale developments three (3) years from the enactment of this section. When there are unique, unnecessary, and unreasonable hardships in applying the strict letter of this section, said large-scale development may apply to the Planning Board for a variance. Financial impact alone shall not be grounds for such variance.

(i) If any large-scale development desires to begin operations before complying with any provision of this section it shall post an acceptable surety bond, cash or irrevocable letter of credit to ensure said compliance in the amount of one hundred twenty-five (125) percent of the estimated cost of said improvements and in any event must be in

compliance with this section no later than one (1) year from the date of final approval by the Planning Board.

(j) This section shall be immediately applicable to any existing large-scale development that expands its operation after the effective date herein; unless prior to the passage of this section there have been substantial steps taken towards implementation of the expansion, or there has been substantial investment made, or substantial obligation incurred on the part of the development in regard to such expansion.

(k) Road and right-of-way standards are hereby set as follows for large-scale developments that are wholly or partially residential in character:

TABLE INSET:

DWELLING UNIT		RIGHT-OF-WAY	ROAD
(A)	Single-Family		
	Number of units:		
	1 to 4	30 feet	Private: See subsection 11-90(11)(a)
	5 to 10	50 feet	Private: See subsection 11-90(11)(b)
	Over 10	Public: See minimum standards for roads to be dedicated to the county for maintenance	Public: See minimum standards for roads to be dedicated to the county for maintenance
(B)	Duplex/Triplex		
	Number of units:		
	1 to 4	30 feet	Private: See subsection 11-90(11)(a)
	5 to 10	50 feet	Private: See subsection 11-90(11)(a)
	Over 10	Public: See minimum standards for roads to be dedicated to the county for maintenance	Public: See minimum standards for roads to be dedicated to the county for maintenance
(C)	Other Multifamily (road/street leading to the		

	parking lot) parking lot/area must be private		
	Number of units:		
	1 to 4	30 feet	Private: See subsection 11-90(11)(a)
	5 to 10	50 feet	Private: See subsection 11-90(11)(a)
	Over 10	Public: See minimum standards for roads to be dedicated to the county for maintenance	Public: See minimum standards for roads to be dedicated to the county for maintenance
(D)	Other Large-scale Developments (including, but not limited to, RV Parks and storage facilities)		20 feet minimum width driving surface; ability to withstand 75,000 pounds in all weather conditions; adherence to State Fire Code with regards to access*
* Nothing herein shall be construed as allowing non-adherence to the State Fire Code where otherwise applicable.			
All new private road large scale developments must have their proposed private roads named according to 9-1-1 procedure (submittal and approval of the proper paperwork through the 9-1-1 Addressing Office) prior to the final plat approval. The private road developer or applicant shall be responsible for erecting the street sign stating the name of the private road prior to final plat approval. The sign placement must be inspected by the 9-1-1 Addressing Office or the County Planning Office, and be in accordance with U. S. Department of Transportation Manual on Uniform Traffic Control Devices.			

(l) The following public utility services and structures are hereby exempt from the Washington County Code provisions concerning large-scale developments:

- (1) Utility boxes;
- (2) Passenger stops for buses;
- (3) Police alarm boxes;
- (4) Historical markers, watershed improvement projects, water conservation projects, or flood control projects;
- (5) Utility mainline, local transformer and station, water pump stations, waterline flushing assembly, water storage facilities, PRV vaults, electric regulation stations, sewage lift station, manholes, natural gas pressure control stations, individual septic systems, other necessary structures and equipment for water,

sewage, and other utility facilities. However, in residential areas, lift stations and pump stations may be required to insulate their station machinery, if the noise produced by such machinery would be an annoyance to the surrounding residential community.

(6) Booster generators, not owned by a utility, which are utilized for homes, poultry houses and other agricultural facilities.

(7) Any additions or expansions of existing municipal fire department or volunteer fire department buildings or facilities.

(m) The following public utility services and structures are hereby not exempt from the Washington County Code provisions concerning large-scale developments:

(1) Other utility uses, such as power generation facilities, solid waste disposal facilities, water or sewage treatment plants not part of a specific land development, and natural gas compressor stations.

(2) Nothing herein shall be construed to mean that any land development itself that utilizes any of the aforestated is exempt from the land development process.

(Ord. No. 2004-38, Arts. 1--10, 7-8-04; Ord. No. 2005-25, Arts. 1--3, 6-9-05; Ord. No. 2006-78, Art. 1, 12-14-06; Ord. No. 2007-13, Art. 1, 3-8-07; Ord. No. 2008-19, Art. 1, 4-15-08; Ord. No. 2009-11, Art. 1, 2-12-09)

Editor's note: Art. 1 of Ord. No. 2005-67, adopted Nov. 10, 2005, states "By way of clarification, all the provisions of Ordinance No. 2004-38 and Ordinance No. 2004-39 are applicable to all Large-scale Developments as defined in Washington County Code at sections 11-63(a)(2)".

Sec. 11-101. Same--Hazardous chemicals.

(a) This section shall be applicable only to large-scale developments as set out in Article 1(b) of County Ordinance No. 2004-38 [section 11-63(a)(2)].

(b) Notice shall be sent to surrounding property owners, by the Planning Administrator, within one-half mile of the exterior boundary of any large scale development, by certified mail at least thirty (30) days prior to the meeting of the Planning Board at which time the preliminary plat shall be reviewed; stating the date, time, and place of the proposed development review. Furthermore, notice shall be sent by regular mail to the County Judge and members of the Quorum Court and shall include a list of all hazardous chemicals or materials that will be used, generated or stored on said development. Hazardous chemicals or materials are defined as set out in Ordinance No. 2004-39, Appendix A, which is incorporated by reference as if set out word for word. The developer shall reimburse the Planning Office the actual costs of mailing plus fifteen cents (\$0.15) (per notice sent).

(c) Any such large-scale development must post a surety bond in the amount of fifty thousand dollars (\$50,000.00) for financial assurance that it will properly manage any such chemicals.

(d) The Planning Board may postpone any action until all other legal and/or environmental requirements of any other local, State, or federal agency have been met.

(e) If any land development raises environmental concerns, the Planning Board may, at the expense of the developer, retain its own qualified consulting engineer to assist it and the Planning Director in assuring that all environmental issues have been properly addressed by the developer and its engineer. Said consulting engineer shall maintain an office no greater than one hundred (100) miles from Washington County.

(f) Public comments shall be taken prior to any decision by the Planning Board at the preliminary plat stage and the final plat stage. Approval of the preliminary and final plat shall not take place at the same meeting and the approval of the final plat shall be no sooner than the next regularly scheduled meeting.

(Ord. No. 2004-39, Arts. 1--6, 7-8-04; Ord. No. 2005-3, Arts. 1--3, 2-10-05; Ord. No. 2005-25, Art. 3, 6-9-05; Ord. No. 2007-71, Art. 2, 12-13-07)

Editor's note: See editor's note at § 11-100.

Sec. 11-102. Vehicular access from private drive.

(1) No land development, including those subject to exemption as set out in Washington County Code 11-79, shall be approved if any anticipated structure's driveway shall be so arranged such that it is necessary for a vehicle to back out onto any County or public road.

(2) Every owner or developer of any such land development shall certify that no driveways shall be constructed in violation of this section and such shall be noted on any plat or exemption application.

(3) No structure or driveway, regardless as to whether it is part of a land development, shall be built, installed or erected in such a manner that it will be necessary for any vehicle to back out onto any County or public road.

(4) This section shall not be applicable to interior roads in a land development.

(Ord. No. 2006-14, Arts. 1--3, 3-9-06; Ord. No. 2007-42, Art. 1, 9-13-07)

Secs. 11-103--11-105. Reserved.

DIVISION 4. ADMINISTRATION AND ENFORCEMENT*

***Editor's note:** Ord. No. 99-32, Art. I, adopted July 8, 1999, amended the Code by renumbering and amending former Div. 8, §§ 11-151--11-161 as a new Div. 4, §§ 11-106--11-116.

Sec. 11-106. Adoption, administration and enforcement.

(a) It is the intent of this Article that the public interest be protected by a thorough review of all proposed plats and construction plans and specifications without undue delay to the developer. The primary responsibility for the adoption, amendment, interpretation, administration, review, approval and enforcement of this Article shall be as follows:

(1) The Washington County Planning Board shall be responsible for the planning requirements and proposed development activities contained in Division 1, Division 2 (except section 11-74), and Division 3 (with assistance from the County Road Superintendent), all in Part I, General Provisions.

(2) The County Road Superintendent shall be responsible for the approval of proposed street and storm drainage plans and specifications and the inspection, testing and acceptance of said improvements, including offsite improvements. These activities are contained in Division 2 (section 11-74) in Part I, General Provisions, and Division 5, Division 6, Division 7 and Division 8 in Part II, Technical Provisions.

(3) The Planning Board shall be responsible for maintaining, amending, modifying and updating this Article with assistance from the County Road Superintendent.

(Ord. No. 91-9, Art. 1, § 8.01, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Sec. 11-107. Appeal procedures.

The following appeal procedures have been established:

(1) *Planning Board decisions:*

a. The developer or owner of any property adjacent to the proposed land development may appeal the decision of the Planning Board to the County Judge by filing such a notice of appeal with the County Clerk within ten (10) days from the date of such decision.

b. The County Judge shall hear all persons desiring to be heard on the question of whether the findings and decisions of the Planning Board were in error. Following such hearings, the County Judge may affirm,

modify, or reverse any finding or decision of the Planning Board or may refer the proposed development back to the Planning Board for additional study. The County Judge may refuse to approve the proposed improvement for any of the reasons specified in this Article.

(2) *County Road Superintendent decisions:*

a. The developer or owner or contractor of any proposed land development may appeal the decision of the County Road Superintendent to the County Judge by filing such a notice of appeal with the County Judge within ten (10) days from the date of such decision.

b. The County Judge shall hear all persons desiring to be heard on the question of whether the findings and decisions of the County Road Superintendent were in error. Following such hearings and review, the County Judge may affirm, modify or reverse any finding or decision of the County Road superintendent.

(3) The County Judge may waive the above appeal requirements; however, the County Judge's decision shall be final.

(Ord. No. 91-9, Art. 1, § 8.02, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Sec. 11-108. Variations.

(a) If the provisions of these standards are shown by the developer (by plan or written statement) to cause undue hardships as they apply to the proposed land development, depending on the nature of the hardship a variance from such provisions may be granted by the Planning Board upon a three-fourths majority vote of the full Board and approved by the County Judge, so that substantial justice may be done and the public interest secured; provided that the variance will not have the effect of nullifying the intent and purpose of this Article.

(b) In granting a variance Washington County, the Planning Board, County Road Superintendent or County Judge may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied. When any such variance is granted, the motion for approval shall include a statement describing the variance and the facts upon which the issuance of the variance is based; all such variances shall be enumerated on the final plat.

(c) If the developer requests a reduction to the street widths or pavement sections and/or right-of-way width, the County Judge may obtain the services of a knowledgeable registered professional engineer to review the site and the developer's proposal and submit a written report of recommendations. The developer shall agree to the engineering study fee and the developer shall be responsible for reimbursing the County for any engineering study fees.

(d) The County Judge is authorized to consult with an independent registered professional engineer if he has concerns about the impact of any development on County or public roads or drainage. This initial consultation shall be at the expense of

the County. If after said consultation concerns still exist then the County Judge may retain said engineer to perform a complete analysis of said development at the expense of the developer. Preference shall be given to engineers located within one hundred (100) miles of the County.

(e) Transfer or adjustments of a property line between adjoining property owners which does not create a landlocked parcel shall not require a variance by the Planning Board.

(Ord. No. 91-9, Art. 1, § 8.03, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99; Ord. No. 2005-3, Arts. 1--3, 2-10-05; Ord. No. 2006-34, Art. 2, 6-8-06)

Sec. 11-109. Severability.

If any section, paragraph, clause, phrase or part of this Article is for any reason invalid, such decision shall not affect the validity of the remaining provisions; and the application of those provisions to any persons or circumstances shall not be affected thereby.

(Ord. No. 91-9, Art. 1, § 8.04, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Sec. 11-110. Amendment.

This Article may be amended by the affirmative vote of a majority of the full membership of the Planning Board, following the same procedures used in the original adoption. The Planning Board may from time to time add to, delete, or modify the plat format information and samples contained in Appendix C.

(Ord. No. 91-9, Art. 1, § 8.05, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Editor's note: Appendix C, referred to hereinabove, is not set out in this Code but is available for inspection in the office of the County Clerk.

Sec. 11-111. Legal approval.

Prior to its consideration by the Planning Board, the proposed amendment may be referred to the legal counsel for review and recommendations.

(Ord. No. 91-9, Art. 1, § 8.06, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Sec. 11-112. Enforcement.

In order to carry out the purpose of this Article and to assure an orderly program of land development after the effective date of this Article:

- (1) No plat of any tract of land within the planning area jurisdiction of the Washington County Planning Board or the Planned Growth Area of any city planning commission shall be accepted by the County Recorder for filing unless

the plat has been approved by the Planning Board, or Washington County Planning Administrative Officer.

(2) No conveyance by metes and bounds of tracts coming under the definition of land development without compliance with the applicable provisions of this Article or amendments thereto shall be permitted. This provision is aimed at preventing any attempt to circumvent this Article by conveying by metes and bounds without taking the necessary steps for filing an approved plat.

(3) No dedication of roads or streets shall be accepted by the County unless the use of the adjoining affected land is shown. If the purpose of opening the road or street is to make the affected land available for sale as a subdivision or mobile home park, the road or street shall not be accepted unless accompanied by the required plat.

(4) Suburban development in the Planned Growth Area of a city shall be under the jurisdiction of that particular city's regulations. However, no dedications of land or streets to the County shall be accepted by the County until the particular city has approved the Final Plat and construction of improvements and the County has received the appropriate maintenance bonds for the street and storm sewer improvement work.

(Ord. No. 91-9, Art. 1, § 8.07, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Sec. 11-113. Inspection.

The County Judge, members of the Planning Board, Administrative Officer, County Road Superintendent or any of their authorized representatives may review the records or enter the development to review and inspect the improvements and work for compliance with this Article.

(Ord. No. 91-9, Art. 1, § 8.08, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Sec. 11-114. Penalties.

A violation of this Article or failure to comply with the provisions herein specified shall subject the person, firm or corporation to the following penalties:

(1) *Violations:* Violations shall be subject to a fine in the maximum amount of two hundred dollars (\$200.00). Each day in which a violation continues, prior to instigation of appeal, shall constitute a separate offense.

(2) *Civil action:* The County Judge may institute a civil suit to prevent or remove a violation of this Article and for damages sustained by the County. Any affected person may institute a civil suit to prevent or remove a violation of this Article and for damages sustained against any person or entity other than the County.

(Ord. No. 91-9, Art. 1, § 8.09, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99; Ord. No. 2008-42, Art. 1, 8-14-08)

Sec. 11-115. Conflicting ordinances repealed.

All previous regulations or parts of regulations of Washington County which conflict with these regulations are hereby repealed except that violations in existence prior to the original effective date of the passage of the revised regulations shall continue to be governed by those regulations which were in effect at the time.

(Ord. No. 91-9, Art. 1, § 8.10, 4-11-91; Ord. No. 92-18, Art. 1, 7-16-92; Ord. No. 99-32, Art. 1, 7-8-99)

Sec. 11-116. Effective date.

This Article being necessary for the preservation of the public peace, health, comfort, convenience, safety and welfare of Washington County, an emergency is declared to exist and this Article shall be in full force from the date of its approval.

(Ord. No. 91-9, Art. 1, § 8.11, 4-11-91; Ord. No. 99-32, Art. 1, 7-8-99)

Sec. 11-117. Administrative handling of certain planning issues.

(a) Accidental minor encroachments into the set back provisions for lots may be granted a variance administratively by the Planning Administrative Officer if the structure is complete and there is no evidence of bad faith.

(b) Replats of lots within a subdivision may be approved administratively by the Planning Administrative Officer if such is in an extra territorial planning area of a city, the city has approved such, there are no utility issues, and if the lot size is at least ten thousand (10,000) square feet.

(Ord. No. 2005-20, Art. 1, 5-12-05)

Secs. 11-118, 11-119. Reserved.