

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 shall compensate the County for all unfinished construction costs.

(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)

Sec. 11-74. Construction Plans and Specifications Approval.

(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, Township and Range and tied to the nearest of two (2) defined and referenced Section Corners or Quartersection Corners		X	X
(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 the development or immediately adjacent thereto		X	X
(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

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

(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.