



WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
ORDINANCE REVIEW COMMITTEE

Monday, July 17, 2017
5:30 p.m.
Washington County Quorum Court Room

Vice Chair Daniel Balls
Alicia Deavens
Lisa Ecke

Chair Bill Usery

Ann Harbison
Eva Madison
Butch Pond

A G E N D A

1. Call to Order
2. Prayer & Pledge
3. Adoption of Agenda
4. Review of County Codes
 - Sec 2.7-1 – Animal Control Advisory Board (4.1)
 - Sec 2.7-30 - Confinement of animal when person bitten (4.2)
 - Sec 2.7-36(c)- Dogs or cats with identifying information (4.3)
 - Sec 3-1 – Juvenile Court FINS Attorney established (4.4)
5. Review of Planning Fees (5.1-5.2)
6. Discussion-Planning and Zoning for Medical Marijuana Cultivation
7. Other Business: Any other business to be discussed by the Committee will be brought up at this time.
8. Public Comment
9. Adjournment

ORDINANCE NO. 2017-

BE IT ENACTED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING WASHINGTON
COUNTY CODE SECTION 2.7-1.

WHEREAS, the Quorum Court has been reviewing the
Washington County Code of Ordinances; and,

WHEREAS, the Quorum Court has determined that section 2.7-1
of the Code is in need of amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. Washington County Code Section 2.7-1 is hereby
amended as follows:

Sec. 2.7-1. – Animal Control Advisory Board.

(a) Pursuant to A.C.A. § 14-14-705, there is hereby created an Animal Concerns Advisory Board.

(b) The Advisory Board shall consist of ~~nine (9)~~ six (6) residents of Washington County to be appointed by the County Judge.

(c) The term of each member shall be for three (3) years. No members shall be appointed for more than two (2) consecutive terms. The initial appointment shall provide for the appointment of ~~three (3)~~ two (2) members for one (1) year, ~~three (3)~~ two (2) members for two (2) years, and ~~three (3)~~ two (2) members for three (3) years by the drawing of lots. The Board shall meet at least quarterly and no meeting shall be cancelled except by absolute majority of the Board; however, the Chairperson may, for good cause, postpone any meeting. The officers of the Board shall be chosen by the Board at the first meeting to be called by the County Judge and shall consist of a Chairperson, Vice-Chairperson and Secretary.

(d) The Board is hereby authorized and entitled to furnish advice and make recommendations to the County Judge and Quorum Court in regards to all aspects of animal concerns grant opportunities, fundraising, and animal related issues that might arise.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: July 20, 2017
Votes For: 0 Votes Against: 0
Abstention: 0 Absent: 0

ORDINANCE NO. 2017-

**BE IT ENACTED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:**

**AN ORDINANCE AMENDING WASHINGTON
COUNTY CODE SECTION 2.7-30.**

WHEREAS, the Quorum Court has been reviewing the Washington County Code of Ordinances; and,

WHEREAS, the Quorum Court has determined that section 2.7-30 of the Code is in need of amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:**

ARTICLE 1. Washington County Code Section 2.7-30 is hereby amended as follows:

Sec. 2.7-30. - Confinement of animal when person bitten.

(a) Whenever an animal control officer or a law enforcement officer receives information that an animal, whether domestic or livestock, has bitten any person, the animal control officer or law enforcement officer must have the animal confined and observed in accordance with the provisions of the Rabies Control Act, Ark. Code Ann. §§ 20-19-301—20-19-312.

(b) An offending domestic animal must be confined for a period of ten (10) days at the animal owner's expense by a licensed veterinarian, a public animal shelter, or any other animal shelter or boarding facility with rabies quarantine capabilities, at the discretion of the County Sheriff in consultation with the Director of the Washington County Animal Shelter.

(c) The Washington County Animal Shelter is authorized to accept offending cats, dogs, and other domestic animals for confinement at the discretion of the Shelter Director. The Director must take into consideration the shelter's animal population and its ability to quarantine the animal for the requisite ten-day period. The Director is authorized to require payment from the animal owner in advance of up to forty dollars (\$40.00) per day depending on the estimated cost to quarantine the animal.

(d) The animal control officer or law enforcement officer is authorized to take charge and impound any dog or cat that is said to have bitten a person at the owner's expense, for rabies quarantine.

(e) Any animal that is quarantined at the Washington County Animal Shelter pursuant to section (a) above, shall be spayed or neutered before being released from the Shelter. Any animal that that is transferred to another Veterinary Facility to finish out the quarantine period shall be spayed or neutered by said facility before being released to the owner.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery

Date of Passage: July 20, 2017

Votes For: 0 Votes Against: 0

Abstention: 0 Absent: 0

ORDINANCE NO. 2017-

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING WASHINGTON COUNTY CODE SECTION 2.7-36(c).

WHEREAS, the Quorum Court has been reviewing the Washington County Code of Ordinances; and,

WHEREAS, the Quorum Court has determined that section 2.7-36(c) of the Code is in need of amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. Washington County Code Section 2.7-36(c) is hereby amended as follows:

(c) Dogs or cats with identifying information; return to owners; and impoundment. Dogs or cats that have identifying information will be returned to the owner at no cost, unless said owner cannot be contacted within twenty-four (24) hours, at which time said dog or cat shall be subjected to impoundment at the owner's expense. Failure to claim said dog or cat within ~~ten~~five (405) days of impoundment shall subject the dog or cat to adoption or euthanasia.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: July 20, 2017
Votes For: 0 Votes Against: 0
Abstention: 0 Absent: 0

ORDINANCE NO. 2017-

**BE IT ENACTED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:**

**AN ORDINANCE AMENDING WASHINGTON
COUNTY CODE SECTION 3-1.**

WHEREAS, the Quorum Court has been reviewing the Washington County Code of Ordinances; and,

WHEREAS, the Quorum Court has determined that section 3-1 of the Code is in need of amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:**

ARTICLE 1. Washington County Code Section 3-1 is hereby amended as follows:

Sec. 3-1. - Juvenile Court ~~Guardian-ad-Litem~~FINS Attorney established.

(a) There is hereby created and established for the County the position of Washington County Juvenile Court ~~Guardian-ad-Litem~~FINS Attorney, hereinafter called "~~Juvenile Court Guardian~~FINS Attorney".

(b) The services of a ~~Juvenile Court Guardian~~FINS Attorney shall be secured by contract with the County, ~~using the following procedure: A Juvenile Court Guardian selection committee shall be appointed by the County Judge. The County Judge may consider recommendations for appointment to this committee from the Washington County Bar Association President, the Washington County Juvenile Justice Advisory Board, or other members of the community. The selection committee shall be composed of at least three (3) persons who (1) are licensed attorneys who regularly practice in the Juvenile Court, or (2) have substantial experience in the area of child welfare and Juvenile justice and are familiar with the duties and functions of the Juvenile Court Guardian. The selection committee shall review the credentials and references included in all applications submitted for the contract and arrange interviews with each applicant. Following this review, the selection committee shall recommend one (1) or more applicants to the County Judge for award of the contract. The County Judge shall select the Juvenile Court Guardian and notify the selection committee and the person selected. The FINS Attorney shall be hired by the County Judge, who may consider recommendations from the County Attorney and Juvenile Court Judge(s).~~

(c) The ~~Juvenile Court Guardian~~FINS Attorney shall report to the County ~~Judge~~Attorney. The performance of the ~~Juvenile Court Guardian~~FINS Attorney shall be evaluated annually prior to renewal of the contract for services. The County ~~Judge~~Attorney shall determine the mode of this review, and may solicit formal input from the ~~selection committee~~Juvenile Court Judge. The ~~Juvenile Court Guardian~~FINS Attorney shall maintain a current report of the number of children represented who have been adjudicated "~~dependent/neglected~~", and the number adjudicated as "family in need of services" cases.

(d) The ~~Juvenile Court Guardian~~FINS Attorney shall receive a compensation specified by the budget, which shall be paid in equal biweekly payments. This salary shall be full compensation for all duties required of the ~~Juvenile Court Guardian~~FINS Attorney by the Juvenile Code of the State of Arkansas, including, but not limited to, those duties referred to in Ark. Code Ann. §§ ~~9-9-208, 9-9-220, 9-27-316, 9-27-338, 9-27-340, 12-12-5069-27-332, 9-27-~~

~~333, and 20-82-202~~ Administrative Order No. 15 of the Arkansas Supreme Court, and related statutes.

(e) The duties of the ~~Juvenile Court Guardian~~ FINS Attorney shall not include any appointment as ~~Guardian Attorney~~ ad Litem in custody proceedings not brought under provisions of the Juvenile Code of the State of Arkansas. The ~~Juvenile Court Guardian~~ FINS Attorney may accept such other appointments only when no apparent or potential conflict of interest may result in the representation of the children in Juvenile proceedings pursuant to this section.

(f) Should the ~~Circuit/Chancery~~ Judge, Juvenile division, deem it necessary due to conflict of interest or other extraordinary circumstances rendering it impossible for the ~~Juvenile Court Guardian~~ FINS Attorney to represent any child, appoint an attorney other than the ~~Juvenile Court Guardian~~ FINS Attorney to serve as Guardian ad Litem in any ~~Juvenile~~ FINS proceeding, such appointment may be made on an ad hoc basis.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: July 20, 2017
Votes For: 0 Votes Against: 0
Abstention: 0 Absent: 0

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

| Wash Co Current | Proposed | Benton County | Fayetteville |
|---------------------------------------|-------------------------|---|---|
| 1. Concept plat (pre platting) | | | |
| \$30 | \$75 | Site Plan Review \$300 | Conceptual Plat \$50 per meeting |
| 2. Preliminary Plat | | | |
| | | Major Subdivision Prelim Plat | Preliminary Plat |
| Planning Area | Both Planning & County | \$500 | Nonresidential - \$800 |
| <50 lots - \$100 | <50 lots \$500 | | 10 or less residential units - \$200 |
| >50 lots - \$300 | >50 lots \$750 | | 25 or less residential units - \$400 |
| | | | 26 or more residential units - \$800 |
| County Only | | | |
| <50 lots - \$200 | | | |
| >50 lots - \$400 | | | |
| 3. Final Plat | | | |
| | | Major Sub Final Plat | Final Plat |
| Planning Area | Both Planning & County | \$200 plus \$50/lot upon approval | Nonresidential - \$800 |
| <50 lots - \$100 | <50 lots \$500 | | 10 or less residential units - \$200 |
| >50 lots - \$200 | >50 lots \$750 | | 25 or less residential units - \$400 |
| | | | 26 or more residential units - \$800 |
| County Only | | | |
| <50 lots - \$200 | | | |
| >50 lots - \$400 | | | |
| 4. Large Scale Development | | | |
| | | Development Master Plan | Large Scale Development |
| Hi Intensity/Industrial | Hi Intensity/Industrial | \$1500 filing fee together with a fee of \$25 per lot | Nonresidential <= 5,000 sq. ft. - \$400 |
| Prelim Plat - \$300 | Prelim Plat - \$750 | | Nonresidential > 5,000 sq. ft. - \$800 |
| Final Plat - \$200 | Final Plat - \$500 | | 10 or less residential units - \$200 |
| | | | 25 or less residential units - \$400 |
| | | | 26 or more residential units - \$800 |
| Residential LSD >50 | Residential LSD >50 | | |
| Prelim Plat - \$200 | Prelim Plat - \$500 | | |
| Final Plat - \$400 | Final Plat - \$500 | | |

| | | | |
|---------------------|--|--|--|
| Other LSD | | | |
| Prelim Plat - \$500 | | | |
| Final Plat - \$250 | | | |

| | | | | |
|--|----------------------|---|-----------|-------|
| 5. Minor subdivision plat (defined as four (4) lots or less) | | Minor Sub & Family Split | Lot Split | |
| Planning Area - \$15 | Planning Area - \$50 | \$200 plus \$50/lot upon approval to a max of \$400 | | \$200 |
| County - \$200 | County - \$250 | | | |

| | | | | |
|-----------------------------|----------------------|--|--|--|
| 6. Minor Subdivision Replat | | Modifications to an Approved Sub - Minor Boundary Adjustment - ☒ | | |
| Planning Area - \$15 | Planning Area - \$50 | Lot Split or Combination - up to five Plats only | | |
| County - \$150 | County - \$250 | \$100 plus \$50/lot upon approval up to a maximum of \$300 | | |

| | | | | |
|---------------------|-------------|----------|------|--|
| 7. Variance Request | | Variance | | |
| Full - \$50 | Both - \$75 | | \$75 | |
| Admin - \$15 | | | | |

| | | | | |
|--|--|--|--|--|
| 8. Fee for inspection of gated community | | | | |
| \$25 | | | | |

| | | | | |
|---|----------------------|--------------------------------------|--|--|
| 9. Applications for exempt land divisions | | Minor Subdivision | | |
| Planning Area - \$15 | Planning Area - \$50 | \$200 plus \$50 per new lot or tract | | |
| County - \$25 | County - \$50 | | | |

| | | | | |
|---|-------|--|-----------------|-------|
| 10. Applications for Conditional Use Permit | | | Conditional Use | |
| \$100 | \$250 | | | \$100 |

| | | | | |
|---|--|--|--|--|
| 11. Conditional use permits for personal wireless services facilities | | | | |
| \$1,500 | | | | |
| Unused portion refunded | | | | |

| Project type | Subtype | 2017 | Total | Proposed |
|---|--|------|----------|----------|
| Additional Dwelling Unit | Additional Dwelling Unit | 22 | 0 | |
| Communications Tower | Administrative Cell Antenna Review | 11 | 0 | |
| Conditional Use Permit | Communication Tower Conditional Use Permit | 1 | 100 | 250 |
| Conditional Use Permit | General Conditional Use Permit | 5 | 500 | 1250 |
| Conditional Use Permit | Residential Conditional Use Permit | 1 | 100 | 250 |
| Conditional Use Permit | Temporary Use | 1 | 0 | |
| Exemptions | 4 Parcels or Less Split | 44 | 1100 | 2200 |
| Exemptions | 40 Acres Tract Split | 8 | 200 | 400 |
| Exemptions | Family Lot Split | 19 | 475 | 950 |
| Exemptions | Lotline Adjustment | 29 | 725 | 1450 |
| Exemptions | Mortgage Split | 5 | 125 | 250 |
| Exemptions | Other Exemptions | 1 | 25 | 50 |
| Exemptions | Planning Area Split | 28 | 420 | 1400 |
| General Inquiry | General Inquiry | 28 | 0 | |
| Land Development | High Intensity Large Scale Development | 1 | 500 | 1250 |
| Land Development | Large Scale Development | 4 | 2800 | 5000 |
| Land Development | Minor Subdivision | 3 | 600 | 750 |
| Land Development | Subdivision | 3 | 2400 | 4500 |
| Special Flood Hazard Area (SFHA) Floodplain | Floodplain Permit | 4 | 0 | 0 |
| Variance | Admin Variance | 13 | 195 | 975 |
| Variance | Variance | 4 | 200 | 300 |
| GIS Mapping Specialist Projects | Planning Department | 37 | 0 | 0 |
| GIS Mapping Specialist Projects | Road Department | 36 | 0 | 0 |
| | Total | | \$10,465 | 21225 |