

By-Laws  
Of  
The Washington County Planning Board  
&  
Zoning Board of Adjustment  
Washington County Arkansas  
By Authority of  
Act 422 of 1977, as Amended, of the State of Arkansas

Approved 2-7-72  
Revised 3-7-96  
Revised 2-6-97  
Revised 4-2-98  
Revised 10-1-98  
Revised 1-20-99  
Revised 11-30-06  
Revised 12-27-06  
Revised 1-23-07  
Revised 12-07-07  
Revised 8-01-2013

Amended 3-2-00, to add ARTICLE X. SUSPENSION OF THE RULES  
Amended 8-3-00, to change the date of the election of officers, ARTICLE 111. A.  
Amended 10-4-01, to reflect a change in meeting location, ARTICLE 1V. A.  
Amended 11-2-06, to reflect a change in meeting time, ARTICLE 1V. A.  
Amended 06-09-09, to strike The County Judge shall be an ex officio member of the Planning Board  
Amended 12-07-17, to reflect a change in meeting date, ARTICLE 1V.A.

ARTICLE I. PURPOSE AND FUNCTION

- A. The powers, duties, and functions of the Planning Board shall be as provided by the County Quorum Court and state statute 14-17-205 and 14-14-705. The general purpose of the County Planning Board is to promote public interest in planning, to prepare or have prepared plans for the county, to receive and make recommendations on public and private proposals for development, to prepare and transmit to the County Quorum Court recommended ordinances and implementing plans, and to advise and counsel the County Judge, the Quorum Court, and other public bodies on planning-related matters. Additionally, the Board shall have such powers, duties, and functions in the areas of plan adoption and enforcement, subdivision, and zoning as specified in state statutes 14-17-207 - 14-17-209.

ARTICLE II. MEMBERS AND TERMS

- A. Membership on the Planning Board shall be as provided by state statute 14-14-705 and 14-17-203(a). The Board shall consist of seven (7) members appointed by the Judge and confirmed by the Quorum Court. Appointed members shall subscribe to the oath of office within ten (10) days from the date of appointment, and evidence of the oath of office shall be filed with the County Clerk. At least 1/3 of the members shall not hold any other elective office or appointment, except membership on a municipal or joint planning commission or a zoning board of adjustment. All of the members appointed to the Board shall be qualified electors of the County.

- B. Terms of membership shall be as provided by state statutes 14-14-705 and 14-17-203(b). The term of each member shall be 4 years. A vacancy in the membership due to death, resignation, removal, or other cause shall be filled by an appointee of the Judge and confirmed by the Quorum Court for the unexpired term. Any member of the Board shall be subject to removal for cause upon recommendation of the Judge and confirmation by the Quorum Court.
- C. It shall be the duty of the members to regularly attend the meetings of the Planning Board, and except in the case of illness or extraordinary circumstances, the absence of any member from three (3) consecutive regular meetings and/or from six (6) regular meetings during the period of one calendar year shall constitute cause for removal by the County Judge.

### ARTICLE III. CHAIRMAN, VICE-CHAIRMAN, AND SECRETARY

- A. The Planning Board shall organize and elect annually a chairman, a vice-chairman, and a secretary at its first regular meeting in the month of July. If county staff is appointed to assist the Board in their work, the staff shall assume the duties of the secretary.
- B. The chairman shall preside at all meetings and public hearings of the Planning Board and shall decide all points of order and procedure. All plans, plats and similar documents requiring the signature of the Planning Board shall be signed by the chairman, vice-chairman or under their direction may be signed by the Planning Administrator on behalf of the Planning Board. The chairman, the Planning Administrator, or any other member specifically appointed by the chairman of the Board shall transmit the reports and recommendations of the Board.
- C. The vice-chairman shall assume the duties of the chairman in his absence. In the event of the absence or disability of both the chairman and the vice-chairman at any meeting, the oldest member in point of service shall act as chairman during such meeting.
- D. The secretary (personally or with clerical assistance) shall keep the minutes of the meetings, send out mail notices of regular meetings five (5) days in advance of the meetings, give notice of special meetings, carry on the routine correspondence, and maintain the files of the Board. All notices requiring legal publication shall be signed by the secretary.
- E. All officers shall serve until their successors are appointed or elected should circumstances prevent the appointment or election of the officers at the regular time for such appointment or election.

#### ARTICLE IV. MEETINGS

- A. Planning Board meetings shall be as provided by state statute 14-17-203(d). The regular meetings of the Washington County Planning Board shall be held on Thursdays, scheduled such to facilitate a five week review cycle. In some situations due to holidays or other events, the Planning Board may schedule its regular monthly meeting for an appropriate alternative date.
- B. Special meetings may be called by the chairman, the County Judge, the Planning Administrator, or at the request of four (4) members. Each member shall receive five (5) days notice of special meetings except in extraordinary circumstances, in which case notice by telephone or other oral communication shall be sufficient.
- C. A quorum shall consist of four (4) members. Three-fourths of the members shall consist of five (5) members.
- D. In all public hearings, the chairman shall make all rulings on the admissibility of evidence, the scope of the inquiry, the order in which evidence, objections and arguments, etc. are presented; provided, however, that the members shall retain the privilege to make personal inquires or to call for a vote on any ruling of the chairman, the results of which vote shall affirm or reverse the ruling.
- E. All meetings and public hearings shall be open to the public.
- F. The order of business at all regular meetings shall be as follows:
  - 1. Roll Call.
  - 2. Reading and approval of the minutes of the previous meeting. The reading of the minutes may waived by unanimous vote or by receipt of a copy of the minutes by the members prior to the meeting.
  - 3. Unfinished business.
  - 4. New business.
- G. The order in which the Board shall consider and deliberate upon information during a public hearing shall be as follows:
  - 1. Call to order.
  - 2. Explanation of rules of conduct.
  - 3. Presentation by the staff summarizing the item and the recommendation.
  - 4. Presentation by the applicant.
  - 5. Testimony of public agencies (Health Department, Road Department, etc.)
  - 6. Testimony of the public.
  - 7. Presentation of a motion by a Planning Board member.
  - 8. Deliberation of the Planning Board (discussion and voting.)
- H. Meeting agendas and other meeting information shall be mailed by the Planning Administrator to each Planning Board member at least five (5) days in advance of the meetings.

ARTICLE V. APPROVALS AND RECOMMENDATIONS

- A. As provided by state statute 14-17-207(b), the Board shall hold at least one (1) public meeting before the adoption or revision of an official plan or implementing ordinance. The meeting may be adjourned from time to time. Prior to the meeting, the Board chairman shall effect notification to the Quorum Court of the purpose and intent of the meeting in sufficient time to allow the justices to attend the meeting if they so desire. At the same time, the public shall be notified of the meeting through the local newspapers and other media.
- B. As provided by state statute 14-17-207(a), a majority of the entire membership of the Board is required in order to recommend to the Quorum Court the adoption, revision, or rescission of an official plan or implementing ordinance for the county. A three-fourths majority of the Board shall be required for the approval of a variance request. Except as required by law or these regulations, the affirmative vote of a simple majority of the members present at any meeting shall be sufficient for the adoption of any other motion.
- C. When the majority of the Board recommends to the Quorum Court the adoption, revision, or rescission of an official plan or implementing ordinance for the county, the minority may choose to prepare a report for the Court indicating the reasons for their position.
- D. No matter on which final action has been taken shall be reopened for further consideration or action except with the consent of five (5) members present or at the request of the County Judge.

ARTICLE VI. CONDUCT

- A. A Planning Board member with a conflict of interest in an item before the commission must state that a conflict of interest exists and withdraw from participation in the meeting on that item. The interests of that Planning Board member may be represented before the Planning Board by a specifically designated representative or legal agent at the meeting, and testimony entered into the public record.
- B. During the discussion following the presentation of a development or a motion, each planning board member will be given an opportunity to speak before any member may be allowed to speak twice. Members must present their comments or questions in a timely fashion.
- C. During all public hearings and working sessions, members of the public shall be given equitable opportunity to speak. The chairperson shall announce when it is appropriate to hear public comments. Individuals wishing to speak must raise their hand and wait for acknowledgment by the chairperson. Once acknowledged, and individual must step to the podium and state their name before making comments. Individuals must present their comments in a timely fashion.

- D. Public comments should be addressed to the item before the Planning Board. Individuals shall not restate what has already been presented on an item. Comments should be made to the Board members only and not other individuals present. Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the Planning Board to disregard the comment.
- E. Explanation of the Rules of Conduct:
1. Staff will present the Project and Staff Recommendations.
  2. The Applicant of the Project will add any additional information.
  3. Other professionals (Health Department, Road Department, etc...) will add any additional recommendations.
  4. The Public will be asked if they would like to ask any questions or add any information:  
Must state name and association with the Project (neighbor to the East, Representative for the P.O.A. of Subdivision, etc...)
    - Each Individual will have 3 minutes in which to present their statements.
    - Each Group Representative will have 10 minutes in which to present their statements. (If you are being represented by a Group Representative, please do not comment as an Individual.)
  5. After all Public comment, Public comment will be closed.
  6. A member of the Planning Board will form a motion.
  7. The Planning Board will deliberate and may ask questions of the Applicant or Staff, then the vote will be held.

#### ARTICLE VII. COMMITTEES

- A. The Planning Board may establish such committees, as it deems advisable and assign to each committee specific duties and functions.
- B. The Board chairman shall recommend to the Board the members of each committee, which may include persons other than members of the Planning Board, and shall recommend a facilitator for each committee. The sole function of the facilitator is to conduct meetings and keep order. The facilitator shall be neutral and not have a vote on motions before the committee. Any member of the committee or the planning staff may serve as committee facilitator. In the event the facilitator cannot attend, the facilitator shall appoint a substitute.
- C. No member of the Planning Board shall be required to serve on more than two (2) committees.

#### ARTICLE VIII. RECORDS

- A. The secretary shall maintain a file of all studies, plans, reports and recommendations made by the Planning Board in the discharge of its duties.
- B. All records of the Planning Board shall be public information.

ARTICLE IX. AMENDMENTS

- A. These by-laws may be amended or repealed by an affirmative vote of not less than five (5) out of seven (7) of the Planning Board. Any proposed amendment shall first be presented in writing at a regular meeting and placed on the agenda of a subsequent regular meeting for action unless ten (10) days written notice of the proposed amendment has been given to all members of the Board, in which case action may be taken at any regular or special meeting. Any proposed amendment may be adopted by unanimous vote without notice if the County judge is present at the meeting.

ARTICLE X. SUSPENSION OF THE RULES

- A. The rules and by-laws may be suspended upon two-thirds (2/3) majority vote of those present.