



WASHINGTON COUNTY, ARKANSAS
County Courthouse

REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT

Thursday, January 18, 2024
6:00 p.m.
Washington County Quorum Court Room

AGENDA

1. **CALL TO ORDER AND WELCOME** **JUDGE DEAKINS**
2. **PRAYER AND PLEDGE**
3. **ADOPTION OF AGENDA**
At the beginning of each meeting, the agenda shall be approved. Any JP may request an item to be added or removed from the agenda subject to approval of the Quorum Court.
4. **PRELIMINARY MOTIONS**
5. **CITIZEN'S COMMENTS**
Fifteen-minute comment period with a three-minute limit for each individual to comment on items on the agenda or other items.
6. **APPROVAL OF MINUTES** – Approval of the minutes from the 12-21-23 and Regular Quorum Court Meeting of December 21, 2023.
7. **COUNTY JUDGE'S REPORT** (7.1) **JUDGE DEAKINS**
8. **REVIEW OF THE PROSECUTING ATTORNEY'S HOT CHECK FEE REPORT FOR 2022**
Item (8.1) **PROSECUTOR DURRETT**

UNFINISHED BUSINESS

9. **AN ORDINANCE RECOGNIZING ADDITIONAL REVENUE IN THE AMOUNT OF \$117,953 IN THE LAW ENFORCEMENT GRANT FUND.**
Item 23-O-159 (9.1) (On second reading) **JP RICKER**
10. **AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING BOARD - Munyon Road.**
Item 23-O-176 (10.1) (On second reading) **JP LEMING**
11. **AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE ZONING BOARD OF ADJUSTMENTS - Belle Terra.**
Item 23-O- 178 (11.1) (On second reading) **JP RICKER**

NEW BUSINESS

12. **AN ORDINANCE APPROPRIATING GRANT FUNDS TO VARIOUS BUDGETS FOR 2024 AND OTHER MATTERS PERTAINING THERETO.**
Item 24-O-001 (12.1) JP RICKER

13. **AN EMERGENCY ORDINANCE UPDATING THE FLOOD DAMAGE PREVENTION PROGRAM FOR WASHINGTON COUNTY, ARKANSAS AND FOR OTHER PURPOSES.**
Item 24-O-003 (13.1) JP RICKER

14. **AN ORDINANCE AMENDING ORDINANCE 2023-135 TO AMEND THE BUDGET CONTROLS.** Item 24-O-004 (14.1) JP ECKE

15. **AN ORDINANCE AMENDING THE COUNTY LIBRARY BUDGET FOR 2023.**
Item 24-O-005. (15.1) JP LYONS

16. **AN ORDINANCE RECOGNIZING AND APPROPRIATING \$81,101.31 IN THE CIRCUIT COURT IV BUDGET FOR 2023.** Item 24-O-007 (16.1) JP LYONS

17. **AN ORDINANCE AMENDING ORDINANCE 2017-44.** Item 24-O-008 (17.1) JP COGER

18. **AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING BOARD CDS Motorsports.** JP POND
Item 24-O-009 (18.1)

19. **AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING BOARD Kindness in Motion.**
Item 24-O-011 (19.1) JP DEAN

20. **COMMITTEE REPORTS (20.1)**

21. **ADJOURNMENT**

Patrick Deakins
County Judge



Jousy Facundo
Fixed Asset Manager

WASHINGTON COUNTY, ARKANSAS
Purchasing Department Disposal of County Property

DECEMBER, 2023

A.C.A. §14-16-106 provides for the disposal of surplus property owned by a county. If it is determined by the county judge and the county assessor that any personal property owned by a county is junk, scrap, discarded, or otherwise of no value to the county, then the property may be disposed of in any manner deemed appropriate by the county judge. There was no property disposed for the month of October, 2023.

Court Order	File Date	Description
2023-173 2023-177	12-1-2023 12-12-2023	See Court Orders

THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

BECKY LEWISTEN
 CO. & PROBATE CLERK
 WASHINGTON COUNTY, AR
 ORDER 2023-173
 2023 DEC -4 AM 8:39
 FILED

IN THE MATTER OF THE DISPOSAL
 OF CERTAIN COUNTY PROPERTY

ORDER

Now on this 1st day of December 2023, comes on for consideration the above styled proceedings and the Court, being well and sufficiently advised in the premises, finds that in accordance with ACA 14-16-106, (c) (1) the following item listed below is junk, scrap, discarded or is otherwise of no value to the County and shall be disposed of in an appropriate manner as determined by the Court and upon concurrence by the County Assessor.

ASSET NO	DESCRIPTION	DEPARTMENT
N/A	Wone Bar Code Reader	Assessor
N/A	Dell Keyboard	Assessor
I010500006	Plantronics Phone Headset	Assessor
I010500044	Plantronics Phone Headset	Assessor
I010500095	Plantronics Phone Headset	Assessor
I010500124	Plantronics Phone Headset	Assessor
I010500136	Plantronics Phone Headset	Assessor
I010500149	Plantronics Phone Headset	Assessor
I010500161	Plantronics Phone Headset	Assessor
I010500427	Plantronics Phone Headset	Assessor
I010500440	Plantronics Phone Headset	Assessor
N/A	Plantronics Phone Headset	Assessor
N/A	Plantronics Phone Headset	Assessor
N/A	Plantronics Phone Headset	Assessor
N/A	Plantronics Phone Headset	Assessor
N/A	Topaz Signature Pad	Assessor
I010300041	White Table 2'5 1/4 4 Hx6'L x2'6'W	Treasurer
I010300042	Cloth Chairs w/ Metal Legs - Purple	Treasurer
I010300043	Cloth Chairs w/ Metal Legs - Purple	Treasurer
I010300110	Dell Optiplex 5080	Treasurer
I010300059	Battery Back Up / APC 750	Treasurer
I010300095	Battery Back Up / APC 750	Treasurer
I010300079	Battery Back Up / APC 750	Treasurer
I010300017	Cisco Catalyst 3560-CG	Treasurer
I080000146	Large Wooden Desk w/ Glass Cabinet topper	Veteran Affairs

IT IS SO ORDERED.

DocuSigned by:
Patrick W. Deakins
 PATRICK W. DEAKINS, County Judge

PROPERTY CONTROL RECORD

This form **must** be completed and turned into the Purchasing Department **before** the transfer, or other disposition of any equipment. It must also be completed **before** the salvage of any items. In the case of a transfer between divisions, the signature of both the transferor and the transferee Department Head is required.

Date: 12/01/2023 Court Order No. 2023-173

Initiating Department: Assessor

Fixed Asset or Tag No. See attached list Serial No. See attached list

Description: See attached list

In regard to the above property, we propose to: (Select **one** of the below)

➤ **Transfer** From: _____ To: _____

Disposal Item(s) deemed junk, scrap, discarded, or otherwise of no value to the county.

(Assessor to complete line 3b)

➤ **Sale** Explain: _____

(Assessor to complete line 3a and 3b)

➤ **Trade-In** Explain: _____

(Assessor to complete line 3a)

➤ **Other Disposition** Explain: _____

Additional Notes: _____

¹ Dan Cypert
Department Initiating

² Josy Jaurds
Fixed Asset / Inventory Manager

^{3a} _____
Appraised Value 75% of Appraised Value

Appraiser

^{3b} Dan Cypert
Assessor

Assessor's Notes

⁴ _____
Receiving Department or Transferring Agent

⁵ _____
Supervisor

PROPERTY CONTROL RECORD

This form *must* be completed and turned into the Purchasing Department *before* the transfer, or other disposition of any equipment. It must also be completed *before* the salvage of any items. In the case of a transfer between divisions, the signature of both the transferor and the transferee Department Head is required.

Date: 11/17/2023 Court Order No. 2023-173

Initiating Department: TREASURER

Fixed Asset or Tag No. 1010300041 Serial No. N/A

Description: White Table 2' 5 1/4" H x 6' L x 2' 6" W

In regard to the above property, we propose to: (Select *one* of the below)

> *Transfer* From: _____ To: _____

> *Disposal* Item(s) deemed junk, scrap, discarded, or otherwise of no value to the county.
(Assessor to complete line 3b)

> *Sale* Explain: _____
(Assessor to complete line 3a and 3b)

> *Trade-In* Explain: _____
(Assessor to complete line 3a)

> *Other Disposition* Explain: _____

Additional Notes: _____

Bobby Hix
Department Initiating

Russ Sando
Fixed Asset / Inventory Manager

75%
Appraised Value 75% of Appraised Value

[Signature]
Appraiser

[Signature]
Assessor

RCV - 11-28-23 CH - 11-30-23
Assessor's Notes

Receiving Department or Transferring Agent

Supervisor

PROPERTY CONTROL RECORD

This form *must* be completed and turned into the Purchasing Department *before* the transfer, or other disposition of any equipment. It must also be completed *before* the salvage of any items. In the case of a transfer between divisions, the signature of both the transferor and the transferee Department Head is required.

Date: 11/17/2023 Court Order No. 2023-173

Initiating Department: TREASURER

Fixed Asset or Tag No. 1010300042/1010300043 ✓ Serial No. N/A

Description: (2) Two Purple Cloth Chairs w/metal legs

In regard to the above property, we propose to: (Select *one* of the below)

> *Transfer* From: _____ To: _____

> *Disposal* Item(s) deemed junk, scrap, discarded, or otherwise of no value to the county.
(Assessor to complete line 3b)

> *Sale* Explain: _____
(Assessor to complete line 3a and 3b)

> *Trade-In* Explain: _____
(Assessor to complete line 3a)

> *Other Disposition* Explain: _____

Additional Notes: _____

Bobly
Department Initiating

Busy
Fixed Asset Inventory Manager

3a
Appraised Value _____ 75% of Appraised Value _____

[Signature]
Appraiser

3b
Rena
Assessor

ZW-11-20-23 ch 11:30-23
Assessor's Notes

4
Receiving Department or Transferring Agent

5
Supervisor

PROPERTY CONTROL RECORD

This form *must* be completed and turned into the Purchasing Department *before* the transfer, or other disposition of any equipment. It must also be completed *before* the salvage of any items. In the case of a transfer between divisions, the signature of both the transferor and the transferee Department Head is required.

Date: 10-11-23 Court Order No. 2023-173

Initiating Department: Treasurer

Fixed Asset or Tag No. See Attached Serial No. See Attached

Description: See Attached

In regard to the above property, we propose to: (Select *one* of the below)

> *Transfer* From: _____ To: _____

> *Disposal* Item(s) deemed junk, scrap, discarded, or otherwise of no value to the county.
(Assessor to complete line 3b)

> *Sale* Explain: _____
(Assessor to complete line 3a and 3b)

> *Trade-In* Explain: _____
(Assessor to complete line 3a)

> *Other Disposition* Explain: _____

Additional Notes: 12/24/22 Water Damage

Bobby Hill
Department Initiating

Rosy Javardo
Fixed Asset / Inventory Manager
[Signature]
Appraiser

^{3a}
Appraised Value _____ 75% of Appraised Value
[Signature]
^{3b}
Assessor

12-11-23-23 05-11-20-23
Assessor's Notes

⁴
Receiving Department or Transferring Agent

⁵
Supervisor

I010300110	3/15/2021	R0047670	\$ 1,282.65	42688896447	Dell Optiplex 5080 S/N: JLZV7B3	/
I010300059			\$ 96.99	4B1514P20954	APC BATTERY BACK-UP 750	/
I010300095			\$ 96.99	4B1514P20945	APC BATTERY BACK-UP 750	/
I010300079			\$ 96.99	4B1514P20948	APC BATTERY BACK-UP 750	/
I010300017			?	FOC1703Z4WB	CISCO CATALYST 3560-CG	/

PROPERTY CONTROL RECORD

This form *must* be completed and turned into the Purchasing Department *before* the transfer, or other disposition of any equipment. It must also be completed *before* the salvage of any items. In the case of a transfer between divisions, the signature of both the transferor and the transferee Department Head is required.

Date: 27 Nov 2023 Court Order No. 2023-173

Initiating Department: Veteran Service Office

Fixed Asset or Tag No. 1080000146 Serial No. 1080000146

Description: Large wooden desk (38"W x 72"L x 7"H) with glass cabinet topper.

In regard to the above property, we propose to: (Select *one* of the below)

> *Transfer* From: _____ To: _____

> *Disposal* Item(s) deemed junk, scrap, discarded, or otherwise of no value to the county.
(Assessor to complete line 3b)

> *Sale* Explain: _____
(Assessor to complete line 3a and 3b)

> *Trade-in* Explain: _____
(Assessor to complete line 3a)

> *Other Disposition* Explain: Give to Restore in South Fayetteville. Offer up to VFW or American Legio

Additional Notes: _____

Veteran Service Office
Department Initiating

Rosay Acundo
Fixed Asset / Inventory Manager

^{3a}
Appraised Value 75% of Appraised Value

[Signature]
Appraiser

Ramoxio
^{3b}
Assessor

RLV - 11-28-23 OK 11-30-23
Assessor's Notes

⁴
Receiving Department or Transferring Agent

Michael W Lewis
Supervisor

THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

FILED
2023 DEC 18 PM 2:18
BECKY LEWALLEN
CLERK
CO. & PROBATE CLERK
WASHINGTON COUNTY
AR
ORDER 2023-177

IN THE MATTER OF THE DISPOSAL
OF CERTAIN COUNTY PROPERTY

ORDER

Now on this 12th day of December 2023, comes on for consideration the above styled proceedings and the Court, being well and sufficiently advised in the premises, finds that in accordance with ACA 14-16-106, (c) (1) the following item listed below is junk, scrap, discarded or is otherwise of no value to the County and shall be disposed of in an appropriate manner as determined by the Court and upon concurrence by the County Assessor.

ASSET NO	DESCRIPTION	DEPARTMENT
I030800243	File Cabinet - Metal	Animal Shelter
I030800062	Leather Chair - Black	Animal Shelter
I044400520	TCL 55" Flat Screen	Juvenile Detention
N/A	Staff Uniform Pants - 10 pairs	Juvenile Detention
I010000174	Plastic Organizer Tray	County Judge
I010000158	Mesh Organizer Holder	County Judge
I010000159	Clear Organizer Holder	County Judge

IT IS SO ORDERED.

DocuSigned by:

Patrick W. Deakins

PATRICK DEAKINS, County Judge

Drafted by Jousy Facundo

PROPERTY CONTROL RECORD

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Date: 12/01/2023 Court Order No. 2023-177

Initiating Department: Animal Shelter /0308

Fixed Asset or Tag No. 1030800243 Serial No. _____

Description: 4 drawer file cabinet - second drawer keeps coming off of track with weight in it.

In regard to the above property, we propose to: (Select *one* of the below)

> **Transfer** From: _____ To: _____

> **Disposal** Item(s) deemed junk, scrap, discarded, or otherwise of no value to the county.
(Assessor to complete line 3b)

> **Sale** Explain: _____
(Assessor to complete line 3a and 3b)

> **Trade-In** Explain: _____
(Assessor to complete line 3a)

> **Other Disposition** Explain: _____

Additional Notes: _____

[Signature]
Department Initiating

[Signature]
Fixed Asset / Inventory Manager

75%
Appraised Value 75% of Appraised Value

[Signature]
Appraiser

[Signature]
Assessor

REV-12-1-23 ch 12-7-23
Assessor's Notes

Receiving Department or Transferring Agent

Supervisor

PROPERTY CONTROL RECORD

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Date: 12/01/2023 Court Order No. 2023-177

Initiating Department: Animal Shelter /0308

Fixed Asset or Tag No. 1030800062 Serial No. _____

Description: chair - the faux leather is flacking off of it.

In regard to the above property, we propose to: (Select *one* of the below)

> **Transfer** From: _____ To: _____

> **Disposal** Item(s) deemed junk, scrap, discarded, or otherwise of no value to the county.
(Assessor to complete line 3b)

> **Sale** Explain: _____
(Assessor to complete line 3a and 3b)

> **Trade-In** Explain: _____
(Assessor to complete line 3a)

> **Other Disposition** Explain: _____

Additional Notes: _____

Jerry Thompson
Department Initiating

Joselyne Gundo
Fixed Asset / Inventory Manager

Appraised Value _____ 75% of Appraised Value _____

[Signature]
Appraiser

[Signature]
Assessor

Rev - 12-1-23 ch 100-7-23
Assessor's Notes

Receiving Department or Transferring Agent

Supervisor

PROPERTY CONTROL RECORD

This form *must* be completed and turned into the Purchasing Department *before* the transfer, or other disposition of any equipment. It must also be completed *before* the salvage of any items. In the case of a transfer between divisions, the signature of both the transferor and the transferee Department Head is required.

Date: 12-4-2023 Court Order No. 2023-177

Initiating Department: Juvenile Detention 0444

Fixed Asset or Tag No. 1044400520 / Serial No. 1709GTC001893A03233

Description: 50" TCL Flat Screen TV

In regard to the above property, we propose to: (Select *one* of the below)

> *Transfer* From: _____ To: _____

> *Disposal* Item(s) deemed junk, scrap, discarded, or otherwise of no value to the county.
(Assessor to complete line 3b)

> *Sale* Explain: _____
(Assessor to complete line 3a and 3b)

> *Trade-in* Explain: _____
(Assessor to complete line 3a)

> *Other Disposition* Explain: _____

Additional Notes: Located in Admin Office 1

Chris Tinsley, Director
Department Initiating

Jessy Faundo
Fixed Asset Inventory Manager

Appraised Value 75% of Appraised Value

Appraiser

Assessor

RCV - 12.5.23 Ch. 12.7.23
Assessor's Notes

Receiving Department or Transferring Agent

Supervisor

PROPERTY CONTROL RECORD

This form *must* be completed and turned into the Purchasing Department *before* the transfer, or other disposition of any equipment. It must also be completed *before* the salvage of any items. In the case of a transfer between divisions, the signature of both the transferor and the transferee Department Head is required.

Date: 11/20/2023 Court Order No. 2023-177

Initiating Department: Juvenile Detention

Fixed Asset or Tag No. N/A Serial No. _____

Description: 10 pair Staff uniform pants, navy cargo pants ✓

In regard to the above property, we propose to: (Select *one* of the below)

> *Transfer* From: _____ To: _____


> *Disposal* Item(s) deemed junk, scrap, discarded, or otherwise of no value to the county.
(Assessor to complete line 3b)

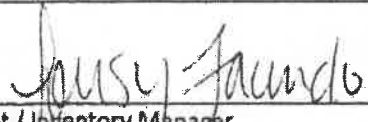
> *Sale* Explain: _____
(Assessor to complete line 3a and 3b)

> *Trade-In* Explain: _____
(Assessor to complete line 3a)

> *Other Disposition* Explain: _____


Additional Notes: Located in Admin Office 1

1  Chris Tinsley, Director
Department Initiating

2 
Fixed Asset / Inventory Manager

3a Appraised Value _____ 75% of Appraised Value

3b 
Assessor


Appraiser

RCV - 12.5.23 CH - 12.7.23
Assessor's Notes

4 _____
Receiving Department or Transferring Agent

5 _____
Supervisor

PROPERTY CONTROL RECORD

This form **must** be completed and turned into the Purchasing Department **before** the transfer, or other disposition of any equipment. It must also be completed **before** the salvage of any items. In the case of a transfer between divisions, the signature of both the transferor and the transferee Department Head is required.

Date: 11/22/23 Court Order No. 2023-177

Initiating Department: County Judge

Fixed Asset or Tag No. _____ Serial No. _____

Description: 1010000174, 1010000158, 1010000159

In regard to the above property, we propose to: (Select **one** of the below)

➤ **Transfer** From: _____ To: _____

➤ **Disposal** Item(s) deemed junk, scrap, discarded, or otherwise of no value to the county.
(Assessor to complete line 3b)

➤ **Sale** Explain: _____
(Assessor to complete line 3a and 3b)

➤ **Trade-In** Explain: _____
(Assessor to complete line 3a)

➤ **Other Disposition** Explain: _____

Additional Notes: _____

1
Department Initiating

2
Busy Jando
Fixed Asset / Inventory Manager

3a
Appraised Value 75% of Appraised Value

Appraiser

3b
Assessor Did not get Assessed

Assessor's Notes

4
Receiving Department or Transferring Agent

5
Supervisor



OFFICE OF THE PROSECUTING ATTORNEY

MATT DURRETT
District Prosecutor

FOURTH JUDICIAL DISTRICT WASHINGTON AND MADISON COUNTIES

DEPUTY PROSECUTORS:

• Mieka Hatcher • Charles M. Duell • Denis Dean • Sara Swearingin • Courtney Cassidy • John Snyder • Jonathan Dixon • Brent Bryant • Dylan Weisenfels • Leta Darling • Corey Anderson • Joanne Clarie • Madison Woods • Lee Warden • Madison McEver • Whitney Doolittle • Hannah Bell • Maria McSperitt • Sydney Ford • Allison Anderson •

January 1, 2024

TO: All Members of the Washington County Quorum Court and County Judge Patrick Deakins.

RE: Hot Check Fees

Pursuant to ACA §16-21-120, I am hereby supplying you with the required information concerning the Prosecutor's Hot Check Fee Account for 2023.

Hot Check Fee Account Balance on 12-31-2022 \$34,239.35

Total Hot Check Fees Collected in 2023 \$3,296.53

TOTAL \$37,535.88

Expenses:

Office Supplies	\$762.01
Utilities	\$8,589.72
Travel & Registration Expenses	\$3,120.60
APAA Dues	\$100.00
Transcripts	\$130.50
Publication	\$135.20

TOTAL EXPENSES \$12,838.03

Total Hot Check Fee Account Balance on 12-31-23 \$24,697.85

Should you have any questions concerning this, please feel free to contact me.

Sincerely,

Matt Durrett
Prosecuting Attorney

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

APPROPRIATION ORDINANCE

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

AN ORDINANCE ANTICIPATING ADDITIONAL REVENUE IN THE AMOUNT OF \$117,953 IN THE LAW ENFORCEMENT GRANT FUND; AND, APPROPRIATING SAID \$117,953 FROM THE LAW ENFORCEMENT GRANT FUND TO THE SCAAP FY2023 BUDGET FOR 2023.

WHEREAS, under the State Criminal Alien Assistance Program (SCAAP), the Office of Justice Programs of the U.S. Department of Justice awards grant money to eligible local government that incur certain types of costs due to the incarceration of illegal aliens; and,

WHEREAS, Washington County anticipates a SCAAP FY2023 Grant award in the amount of \$117,953.

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

ARTICLE 1. There is hereby anticipated additional revenue in the amount of \$117,953 in the Other Federal Grants Revenue line item of the Law Enforcement Grant Fund (35147109) for 2023.

ARTICLE 2. There is hereby appropriated the total amount of \$117,953 from the Law Enforcement Grant Fund to the following line items in the SCAAP FY2023 Budget (35141441) for 2023:

General Supplies	35141442.2001	\$ 67,953
Small Equipment	35141442.2002	50,000

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PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: JP Ricker

Date of Adoption:

Members Voting For:

Members Voting Against:

Members Abstaining:

Members Absent:

Committee History:

Finance and Budget 12/12/23-passed on to Dec QC

Quorum Court History:

Quorum Court 12/21/23: moved to Jan 2024 QC for 2nd reading.

Item 23-O-176

Requested by: County Judge Patrick W. Deakins (Planning Department)
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

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

AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING BOARD.

WHEREAS, the Planning Board voted to recommend approval of a Conditional Use Permit for the **Munyon Road Wireless Communications Facility** project on **December 7, 2023**; and,

WHEREAS, ratification is required by the Quorum Court; and,

WHEREAS, ratification will not affect any appeal rights any person may have.

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

ARTICLE 1. The Conditional Use Permit for the **Munyon Road Wireless Communications Facility** Project recommended for approval by the Planning and Zoning Board is hereby ratified.

PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

42
43 Introduced by: JP Leming
44 Date of Adoption:
45 Members Voting For:
46 Members Voting Against:
47 Members Abstaining:
48 Members Absent: JP Rios Stafford
49
50
51 Committee History: Planning Committee 12/07/2023-Passed on to December QC
52 Quorum Court History: 12/21/23 -moved to Jan 2024 QC for 2nd reading

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2023-

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

AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE ZONING BOARD OF ADJUSTMENTS.

WHEREAS, at the August 24, 2023 meeting of the Zoning Board of Adjustments, the board was presented with a Conditional Use Permit request for the Belle Terra Venue project; and,

WHEREAS, an appeal of the decision of the Planning and Zoning Board has been made to the Quorum Court, as allowed by the Washington County Code; and,

WHEREAS, after reviewing the information provided by the Planning Department, the applicant, and members of the community, the Quorum Court desires to ratify the Conditional Use Permit recommended for approval by the Zoning Board of Adjustments.

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

ARTICLE 1. That the Conditional Use Permit for the **Belle Terra Venue** is hereby ratified.

PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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Introduced by:

Date of Adoption:

Members Voting For:

Members Voting Against:

Members Abstaining:

Members Absent:

Committee History: Planning (8-24-23)

Quorum Court History: 12/21/23 QC failed-moved to Jan 2024 QC for second reading.

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2024-

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

AN ORDINANCE APPROPRIATING GRANT FUNDS TO VARIOUS BUDGETS FOR 2024 AND OTHER MATTERS PERTAINING THERETO.

WHEREAS, Washington County received notice of a grant award totaling \$641,300 from the Arkansas Department of Emergency Management; and,

WHEREAS, the Quorum Court desires to appropriate said grant award money to various Homeland Security Budgets for 2024.

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

ARTICLE 1. There is hereby anticipated additional revenue in the amount of \$641,300 in the Homeland Security Grants revenue line item of the DEM Grant Fund (3511.7109) for 2024.

ARTICLE 2. There is hereby appropriated the total amount of \$641,300 from the DEM Grant Fund to the following line items in the following budgets for 2024:

USAR 2024

Small Equipment	35111590.2002	\$ 14,800
Training and Education	35111590.3101	79,200
Other Professional Services	35111590.3009	15,000
Machinery and Equipment	35111590.4004	93,500

WMD 2024

Small Equipment	35111591.2002	4,000
Other Professional Services	35111591.3009	27,000
Training and Education	35111591.3101	29,900
Machinery and Equipment	35111591.4004	15,000

SWAT 2023

Small Equipment	35111589.2002	72,000
Training and Education	35111589.3101	130,900

43 Other Professional Services 35111589.3009 5,000
44 Machinery and Equipment 35111589.4004 155,000

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49 _____
PATRICK W. DEAKINS, County Judge DATE

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51

52 _____
53 BECKY LEWALLEN, County Clerk

54
55 Introduced by:
56 Date of Adoption:
57 Members Voting For:
58 Members Voting Against:
59 Members Abstaining:
60 Members Absent:

61
62

63 Committee History: Finance and Budget 01/09/2024-passed on to January QC mtg

64 Quorum Court History:

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2024-

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

AN EMERGENCY ORDINANCE UPDATING THE FLOOD DAMAGE PREVENTION PROGRAM FOR WASHINGTON COUNTY, ARKANSAS AND FOR OTHER PURPOSES.

WHEREAS, Washington County has since 1991 participated in the Flood Insurance Program; and

WHEREAS, as a condition of participation in the Flood Insurance Program, the Federal Emergency Management Agency (FEMA) requires that the County have ordinances in place and that said ordinances and floodplain maps be periodically updated; and

WHEREAS, the Legislature of the State of Arkansas has in Ark. Code Ann. § 14-268-101 et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses; and

WHEREAS, the purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas (SFHA). This ordinance advances the stated purpose through provisions designed to:

- A. Protect human life and health;
- B. Protect natural floodplains against unwise development;
- C. Eliminate adverse impacts of necessary floodplain development;
- D. Minimize expenditure of public monies on flood control projects;
- E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions due to flooding events;
- G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in SSFHA;
- H. Minimize future flood blight areas to help maintain a stable tax base; and
- I. Provide for notice to potential buyers when property is in a SFHA.

43
44 **NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM**
45 **COURT OF WASHINGTON COUNTY, ARKANSAS:**

46
47 **ARTICLE 1. Lands to which this Ordinance Applies.** The
48 ordinance shall apply to all Special Flood Hazard Areas (SFHA) within the jurisdiction of
49 **Washington County, AR.**

50
51 **ARTICLE 2. Methods of Reducing Flood Losses.** This
52 ordinance uses the following methods to accomplish the stated purpose:

- 53
54 A. This ordinance restricts or prohibits structures or uses in SFHA that
55 adversely impact health, safety or property during flooding events;
- 56
57 B. This ordinance requires protection against flood damage for structures or
58 uses vulnerable to floods at the time of initial construction, or after
59 substantial improvement of the structure, or after substantial damage has
60 occurred over the past five years;
- 61
62 C. This ordinance controls the alteration of natural floodplains, stream
63 channels and natural protective barriers which are involved in the
64 accommodation and transport of flood waters;
- 65
66 D. This ordinance controls floodplain development (structural development,
67 placement of manufactured structures, clearing, grading, mining, drilling,
68 dredging, placement of fill, excavating, watercourse alteration, drainage
69 improvements, roadway or bridge construction, individual water or sewer
70 installations and other activities) which may increase flood damage by
71 increasing flood elevations, flood water velocities, or flood discharge
72 patterns;
- 73
74 E. This ordinance regulates the construction of flood barriers which
75 unnaturally divert floodwaters or which may adversely impact other lands

76
77 **ARTICLE 3. Flood Damage Prevention Code Adopted by**
78 **Reference.** There is hereby adopted by reference a “Flood Damage Prevention Code for
79 Washington County, Arkansas,” dated 01/25/2024. The code shall include:

- 80
- 81 **ARTICLE 1: DEFINITIONS**
- 82 **ARTICLE 2: ADMINISTRATION**
- 83 **ARTICLE 3: PROVISIONS FOR FLOOD HAZARD REDUCTION**
- 84

85 A copy of the referenced code shall be filed in the office of the County Clerk and County
86 Planning Department.

89 **ARTICLE 4. Finding of Facts.**

- 90
- 91 A. FEMA has identified SFHA of Washington County, AR in the current
- 92 scientific and engineering report entitled “The Flood Insurance Study
- 93 (FIS) for Washington County, AR and incorporated areas” dated
- 94 01/25/2024, with an effective Flood Insurance Rate Map (FIRM)” dated
- 95 01/25/2024, hereby incorporated by reference.
- 96
- 97 B. These SFHA are subject to periodic flooding events that result in loss of
- 98 life and property, pose health and safety hazards, disrupt commerce and
- 99 governmental services, and cause extraordinary public expenditures for
- 100 flood protection and relief, all of which adversely affect the public health,
- 101 safety and general welfare.
- 102
- 103 C. These periodic flooding events are exacerbated by the cumulative effect of
- 104 floodplain developments which cause an increase in flood heights and
- 105 velocities, and by the placement of inadequately elevated, inadequately
- 106 floodproofed or otherwise unprotected structures or uses vulnerable to
- 107 floods into SFHA. Such structures or uses are inherently hazardous to
- 108 other lands because of their adverse impact on flooding events.
- 109

110 **ARTICLE 5. Abrogation and Greater Restrictions.** This

111 ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed

112 restrictions. Whenever there is a conflict or overlap between this ordinance and another

113 ordinance, easement, covenant, or deed restriction, the instrument with the more

114 stringent restrictions applies.

115

116 **ARTICLE 6. Interpretation.** In the interpretation and

117 application of this ordinance, all provisions must:

118

- 119 A. Be considered as minimum requirements;
- 120
- 121 B. Be liberally construed in favor of the governing body; and
- 122
- 123 C. Be deemed to neither limit nor repeal any other powers granted under
- 124 State statutes.
- 125

126 **ARTICLE 7. Warning and Disclaimer of Liability.** The

127 degree of flood protection required by this ordinance is considered reasonable for

128 regulatory purposes. The best available documented scientific and engineering data form

129 the basis for these requirements. On rare occasions, flooding events greater than those

130 considered for this ordinance will occur. In addition, flood heights may increase over time

131 due to man-made or natural causes. This ordinance does not imply that land outside

132 SFHA will be free from flooding, nor that strict adherence to this ordinance protects uses

133 permitted within SFHA from all flood damages. This ordinance specifically does not

134 create liability on the part of the community, nor any official or employee of the

135 community, for any flood damages that result while strictly following this ordinance, or
136 from any lawful administrative decision made under the provisions of this ordinance.

137
138 **ARTICLE 8. Compliance.** Constructing, locating, substantially
139 altering, or changing the use of any structure or land after the effective date of this
140 ordinance requires full compliance with the provisions of this ordinance and all other
141 applicable regulations.

142
143 **ARTICLE 9. Penalty and Non-Compliance.** Flood hazards
144 are reduced by compliance with the provisions of this code. Accordingly, enforcement of
145 this ordinance discourages non-compliance and is a recognized mechanism for flood
146 hazard reduction.

147
148 A. The Floodplain Administrator is authorized to enforce the provisions of
149 this ordinance; to request that FEMA file a 1316 Action (Denial of Flood
150 Insurance) against non-compliant properties;

151
152 B. Issue cease and desist orders on non-compliant floodplain development
153 projects; and

154
155 C. Take any other lawful action necessary to prevent or remedy any
156 instance of non-compliance with the provisions of this ordinance.

157
158 (1) It is a misdemeanor to violate or fail to comply with any provision
159 of this ordinance.

160
161 (2) Any person found, in a court of competent jurisdiction, guilty of
162 violating this ordinance is subject to fines of not more than \$500
163 per day for each violation; in addition, the defendant is subject to
164 payment of all associated court costs and costs involved in the case.

165
166 **ARTICLE 10. Severability.** If any court of competent
167 jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid
168 or unconstitutional, that finding in no way affects the validity of the remaining portions
169 of this ordinance.

170
171 **ARTICLE 11. Emergency Clause.** It is hereby found and
172 declared by Washington County, AR that severe flooding has occurred in the past within
173 its jurisdiction and will certainly occur within the future; that flooding is likely to result
174 in infliction of serious personal injury or death, and is likely to result in substantial injury
175 or destruction of property within its jurisdiction; in order to effectively comply with
176 minimum standards for coverage under the National Flood Insurance Program; and in
177 order to effectively remedy the situation described herein, it is necessary that this
178 ordinance become effective immediately. Therefore, an emergency is hereby declared to
179 exist, and this ordinance, being necessary for the immediate preservation of the public
180 peace, health and safety, shall be in full force and effect from and after its passage and

181 approval.

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185 _____
PATRICK W. DEAKINS, County Judge

DATE

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189 _____
BECKY LEWALLEN, County Clerk

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191 Introduced by:

192 Date of Adoption:

193 Members Voting For:

194 Members Voting Against:

195 Members Abstaining:

196 Members Absent:

197

198

199 Committee History: County Services 01/09/2024; passed on to the Jan 2024 QC

200 Quorum Court History:

FLOOD DAMAGE PREVENTION CODE FOR WASHINGTON COUNTY, AR, 01/25/2024

ARTICLE 1 DEFINITIONS

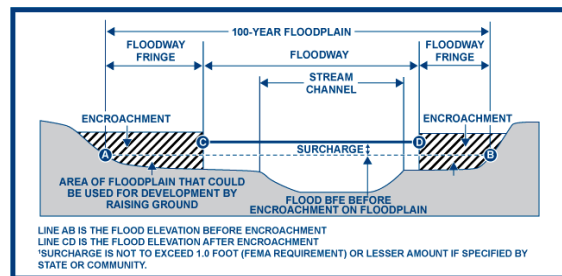
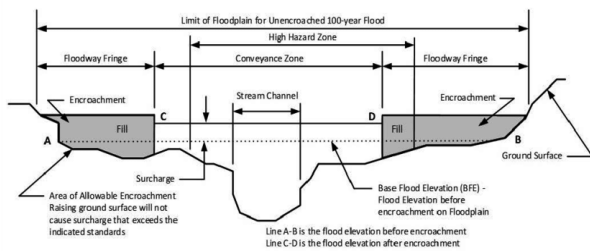
Unless specifically defined below, words or phrases used in this Code have their common usage meaning to give the most reasonable application to this Code.

Additional definitions for floodplain management terms can be found at Part §59.1 of 44 CFR.

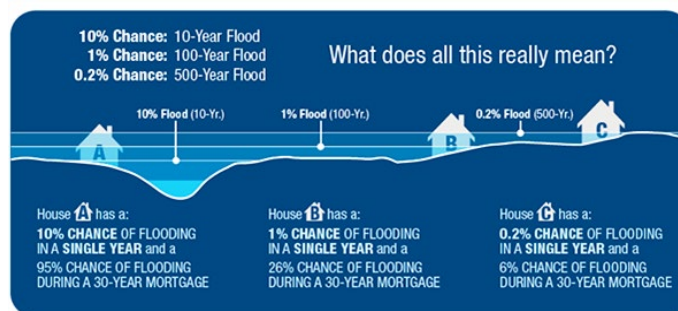
44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) Parts 59-75 contain Federal regulations upon which local floodplain managements are based

44 CFR § 65.12 – contains the section of the Federal regulations which involves revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

“100-year flood” is any flood with a 1% chance of occurring in any given year. The term is misleading, because of its statistical derivation. A “100-year flood” may occur many times in any given 100-year period, or it may not occur at all in 100 years.



“500-year flood” is any flood with a 0.2% chance of occurring in any given year. As with the 100-year flood, this term is also misleading, because of its statistical derivation. A “500-year flood” may occur many times in any given 500-year period, or it may not occur at all in 500 years.



“Accessory Structures” are structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

“Adverse impact” means any negative or harmful effect.

“AE or A1-30 Risk Zones” are special flood hazard areas where detailed studies have determined base flood elevations. AE has replaced A1-30 in newer flood maps.

“AH Risk Zones” are special flood hazard areas characterized by shallow flooding with ponding effects (where floodwaters accumulate in depressions and linger until absorbed or evaporated).

“AO Risk Zones” are special flood hazard areas characterized by shallow flooding with sheet flow (where floodwaters flow in a broad, shallow sheet rather than through a narrow channel).

“A Risk Zones” are special flood hazard areas without detailed studies, where base flood elevations have not been determined.

“Appeal Board” means a person or persons specifically designated to render decisions on variance applications and floodplain management complaints.

“Automatic” entry and exit of floodwaters means that the water must be able to enter and exit with no intervening action from a person.

“Base Flood” is the flood profile used as the basis for the National Flood Insurance Program (NFIP) regulations. The Federal government has selected the 1% chance flood as the base flood.

“Base Flood Elevation” or **“BFE”** the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year.

“BFE” is the acronym for Base Flood Elevation.

“Basement” is any enclosed area that is below grade on all sides.

“Base Level Engineering” or **“BLE”** are flood risk datasets that meet the technical mapping standard outlined in FEMA Policy 204-078-1 Standards for Flood Risk Analysis and Mapping and include estimated floodplain extents (10%, 1%, and 0.2% annual chance events), water surface elevation grids (1% and 0.2% annual chance events), flood depth grids (1% and 0.2% annual chance events), and Hazard Flood Risk Assessments.

“BLE” is the acronym for Base Level Engineering.

“Buoyancy” is the upward force exerted by water. Buoyancy can cause underground tanks to float free and can lift structures off foundations.

“Certificates of Compliance” are formal documents issued by floodplain administrators certifying that completed projects comply with the requirements of the local Code.

“CFR” is the acronym for the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. The Federal regulations pertaining to the national Flood Insurance Program are found in title 44, Emergency Management and Assistance.

“Clearing” is the act of cutting timber or shrubs from an area.

“Commercial business park” is typically an area of offices or light industrial usage, although retail, service, or industrial usage is sometimes included in supporting roles. For example, a commercial business park of office complexes may also include restaurants, which service these offices.

“Concrete deadman anchors” are heavy steel rods embedded in buried sections of concrete, used to secure items in place under tension.

“Covenant” is a clause in a contract that requires one party to do, or refrain from doing, certain things. A covenant frequently appears as a restriction that a lender imposes on a borrower.

“Crawlspace” is a type of structural foundation where the space beneath the lowest floor is typically not deep enough to allow a person to stand and not all four walls are below grade.

“Critical Facilities” include: Governmental facilities that are considered essential for the delivery of critical services and crisis management (such as data and communication centers and key governmental complexes); facilities that are essential for the health and welfare of the whole population (such as hospitals, prisons, police and fire stations, emergency operations centers, evacuation shelters and schools); mass transportation facilities (such as airports, bus terminals, train terminals); lifeline utility systems (including potable water, wastewater, oil, natural gas, electric power and communications systems); high potential loss facilities (such as nuclear power plants or military installations); hazardous material facilities (such as industrial facilities housing or manufacturing or disposing of corrosives, explosives, flammable materials, radioactive materials and toxins.

“D Zones” areas in which the flood hazard has not been determined, but may be possible.

“Deed restriction” refers to a clause in a deed that limits the future uses of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions, for example, they may limit the density of buildings, dictate the types of structures that can be erected, prevent buildings from being used for specific purposes or even from being used at all.

“Development” means any man-made change to improved or unimproved real estate. It includes, but not limited to, construction, reconstruction, or placement of a building, or any addition or substantial improvements to a building. “Development” also includes the installation of a manufactured home on a site, preparing a site for a manufactured home, or installing/parking a travel trailer. The installation of utilities, construction of roads, bridges, culverts or similar projects are also “developments.” Construction or erection of levees, dams, walls, or fences; drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface are “developments.” Storage of materials including the placement of gas and liquid storage tanks are “developments,” as are channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. “Development” will normally not include maintenance of existing drainage ditches, gardening, plowing, planting, harvesting of crops, or similar practices that do not involve filling, grading, or construction of levees.

“Development Permit” refers to the permit required for placing a “development” in the floodplain.

“Easements” are rights or permissions held by one person to make specific, limited use of land owned by another person.

“Elevation Certificate” refers to FEMA form 81-31, which for the purposes of this Code must be properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

“Erosion” is the process of soil removal by moving water.

“Existing Structure” means, for floodplain management purposes, a structure which is in place before any reconstruction, rehabilitation, addition, or other improvement takes place.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

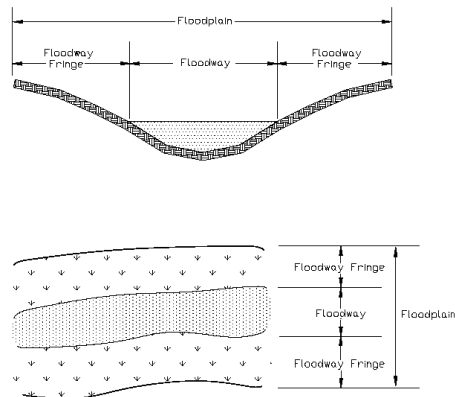
“Federal Emergency Management Agency”, or (**“FEMA”**), is the Federal agency responsible for administering the National Flood Insurance Program.

“FEMA” is the acronym for the Federal Emergency Management Agency.

“Fill” refers to the placement of natural sand, dirt, soil, rock, concrete, cement, brick or similar material at a specified location to bring the ground surface up to a desired elevation.

“FIRM” is the acronym for Flood Insurance Rate Map.

“Flood Fringe” refers to the portion of the 100-year floodplain, which is outside the floodway (See definition of floodway below.)



“Flood Insurance Rate Map” (or **“FIRM”**). The official map on which the Federal Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway. Unless otherwise stated, it shall be the latest regulatory FIRM including any effective letters of map revision that has been adopted by FEMA.

“Flood Insurance Study” (or **“FIS”**). The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood. Unless otherwise stated, it shall be the latest regulatory Flood Insurance Study for Washington County that has been adopted by FEMA.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“Flooding events” are general or temporary conditions of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source.

“Floodplain or Flood Prone” refers to any land area susceptible to inundation by floodwaters from any source. For the purposes of this Code, floodplain refers to the land area susceptible to being inundated by the base flood and subject to, or is exposed to flooding and flood damage.

“Floodplain Administrator” refers to the community official designated in the local Flood Damage Prevention Code as responsible for the Code’s administration.

“Floodplain Development Permit” is a permit issued by the local Floodplain Administrator and is required before beginning any development in an area designated as a Special Flood Hazard Area on the community’s FIRM.

“Floodproofing” is a combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate the risk of flood damage.

“Floodproofing Certificate” refers to FEMA form 81-65, which for the purposes of this Code must be properly completed by a Professional Engineer or Architect licensed to practice in the State of Arkansas.

“Floodway” or “Regulatory Floodway” refers to a stream channel and the land to either side of the stream channel that must remain undeveloped and open in order to allow floodwaters to pass without increasing the base flood elevation more than a designated height. For the purposes of this Code, the height is one foot (1 ft.). Severe restrictions or prohibitions are imposed on development within the floodway.

“Flow-through openings” are openings specifically designed to allow floodwaters to flow into and out of enclosed spaces, minimizing the danger of foundation or wall collapse from lateral hydrostatic pressure.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

“Grade” means the surface of the ground.

“Grading” means to smooth the surface of the ground, typically with heavy construction equipment.

“Highest Adjacent Grade” (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historical Structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

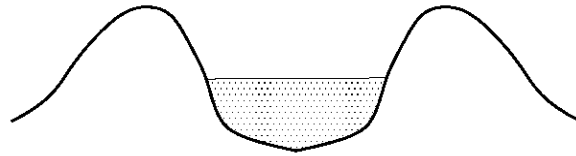
“Hydrodynamic forces” are the forces and stresses associated with moving water, including impacts from objects carried in the water.

“Hydrostatic flood forces” are the forces and stresses associated with standing floodwaters.

“Lacustrine Flooding” is flooding associated with a lake.

“Lateral forces” are the horizontal hydrostatic forces associated with standing water. Water exerts an equal force in all directions, and as little as three feet of standing water can generate sufficient lateral force to collapse a foundation or wall.

“Levee”. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.



Levee

“Lowest floor” refers to the lowest floor of the lowest enclosed area (including Basement). For a typical **slab-on-grade construction**, the lowest floor is the top of the first floor of the structure. For a typical **basement foundation construction**, the elevation of the lowest floor is the top of the basement floor. For a typical **crawlspace foundation construction**, the elevation of the lowest floor is the top of the first floor of the structure. For a typical **split-level construction**, the elevation of the lowest floor is the top of the first living area floor. For a **manufactured home installation**, the elevation of the lowest floor will be the bottom of the lowest I-Beam. The **garage floor** and **crawlspaces** are not the lowest floor as long as there are no living areas in the garage and it is used solely for storage, parking vehicle and entry to the structure, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of **Section 60.3** of the National Flood Insurance regulations.

“Manufacture Homes” or Structures means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land subdivided into two or more manufactured home lots for rent or sale.

“Mean Sea Level” (MSL) means, for the purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s FIRM are referenced.

“Mixed Use Structures” are structures with both a business and a residential component, but where the area used for business is less than 50% of the total floor area of the structure.

“New Construction” means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the

construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“No Adverse Impact principle” is a principle of restricting or prohibiting land development that does harm or “adversely affects” someone else’s property or land.

“Nonresidential Structures” are structures used only for commercial or public purposes, such as businesses, schools, churches, etc...

“No-Rise Certificates” are formal certifications signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase in flood levels within the community during the occurrence of a base flood event.

“Piers” are columns of masonry or other structural material (commonly cement blocks stacked up to support a manufactured home), usually rectangular, used to support other structural members. For the purpose of this ordinance, piers must be permanent in nature.

“Pilings” are steel tubes driven to rock or a suitable soil bearing layer and connected to the foundation of a structure.

“Ponding” is a flooding effect where floodwaters accumulate in shallow depressions and linger until absorbed or evaporated.

“Recreational vehicles” means a vehicle which is:

- (i) Built on a single chassis;
- (ii) 400 square feet or less when measured at the largest horizontal projections;
- (iii) Designed to be self-propelled or permanently towable by a light duty truck; and
- (iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Risk Zones” categorize special flood hazard areas into groupings by the specific risk of flooding. Zones A, AE or A1-30, AO, and AH are Special Flood Hazard Areas. See “X Risk Zones” in this section.

“Riverine flooding” is flooding associated with a river or stream channel.

“RV” is the acronym for recreational vehicle.

“Screw augers” are any type of anchor that twists into the soil, typically to a depth of 4 feet or more. They are not suitable for securing manufactured homes against floodwaters because saturated grounds often soften and fail to hold the anchor in place.

“Section 404 Wetlands Permit” is a permit required under Section 404 of the Clean Water Act for the discharge of dredged and fill material into any surface water of the United States. The US Army Corps of Engineers issues Section 404 permits.

“SFHA” is the acronym for Special Flood Hazard Area.

“Shallow flooding” means a depth of less than 3 feet.

“Slab anchors” are anchors where the hook of the anchor is wrapped around a horizontal rebar in the slab before the concrete is poured.

“Special flood hazard areas” are geographical areas identified on FEMA flood maps as being at-risk for flooding. The maps further categorize these areas into various flood risk zones A, AE or A1-30, AH, and AO.

“Start of Construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“State Coordinating Agency” is the agency that acts as a liaison between FEMA and a community for the purposes of floodplain management. The Arkansas Natural Resources Commission is the State Coordinating Agency for Arkansas.

“Stream channels” are depressed natural pathways through which water of any quantity routinely flows.

“Structural development” is a development that includes the placement or construction of a structure.

“Structure” means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial damage” is damage of any origin where the cost to restore a structure to its original undamaged state would equal or exceed 50% of the market value of the structure before any damage occurred. In determining whether substantial damage has occurred, estimators must use standard contractor and materials costs. There are no exceptions for homeowners who make their own repairs or for discounted or free raw materials.

“Substantial improvement” is any reconstruction, remodeling, addition or improvement to a structure with a cost equaling or exceeding 50% of the market value of the structure before any improvement. Improvements to correct identified violations of local health, sanitary or safety Codes are not substantial improvements, regardless of the cost, as long as they are the minimum improvement necessary to bring the structure up to Code. Alterations to historical structures are also exempted, as long as the improvement does not affect the structure’s official status of “historical structure.”

“Uses vulnerable to floods” are simply any land or structural uses that may be negatively affected by a flood.

“Variance” is a formal, written permission from the Appeals Board to construct or develop in a way that is inconsistent with the requirements of this Code. The variance only deals with this Code – the Appeals Board has no authority to waive any other governmental requirement, and has no say in the cost of flood insurance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Code is presumed to be in violation until such time as that documentation is provided.

“Watercourse alteration” refers to any change that occurs within the banks of a watercourse.

“Water Surface Elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“X Risk Zones” are a special group of insurance risk zones. One type, shown as non-shaded areas on FEMA issued flood maps, indicates a zone where flooding is not expected to occur. The second type, shown as shaded areas of FEMA flood maps, indicates a flood hazard area that is expected to be affected by the 500-year flood, but not by the 100-year base flood.

ARTICLE 2 ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The **Washington County Judge**, or the **designee of Washington County Judge**, is hereby appointed the Floodplain Administrator.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

It is the duty and responsibility of the Floodplain Administrator or the designee to:

- (1) **Obtain accreditation each year** as required by A.C.A. §14-268-106 through the State Coordinating Agency, which is the **Arkansas Natural Resources Commission**.
- (2) **Administer and implement the provisions of this Code** and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) as they pertain to floodplain management
- (3) **Review applications for Floodplain Development Permits** to:
 - a) Evaluate proposed projects for reasonable safety from flooding;
 - b) Evaluate proposed projects for conformance with No Adverse Impact principles;
 - c) Ensure that all other permits necessary (including Section 404 Wetlands Permits as required by the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) for proposed projects are obtained from the appropriate government agency prior to issuing a Floodplain Development Permit; and
 - d) Ensure that proposed projects conform to the applicable provisions of this Code.
- (4) **Approve or deny applications for Floodplain Development Permits** on the basis of:
 - a) The proposed development's compliance or non-compliance with the provisions of this Code;
 - b) The expected flood elevation, flood water velocity, flood duration, rate of rise and sediment transport of the floodwaters expected at the proposed development site;
 - c) The proposed development's potential to adversely impact life and property by changing flooding patterns, changing erosion rates, or being swept onto other lands by flood waters;
 - d) The proposed development's susceptibility to flood damage;
 - e) The proposed development's compatibility with existing and planned community development;
 - f) The proposed development's accessibility by ordinary and emergency vehicles during flooding events;
 - g) The anticipated costs of providing governmental services to the proposed development during and after flooding events, including maintenance and repair of streets, bridges, facilities and public utilities such as sewer, gas, electrical and water systems;

- h) The proposed development's functionally dependent use;
 - i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed development; and
 - j) The relationship of the proposed use to the comprehensive plan for that area.
- (5) **Interpret, where needed, the exact location of the boundaries of Special Flood Hazard Areas** floodplain boundaries, and floodway. (The sole purpose of this interpretation is to determine the applicability of the provisions of this Code to the proposed project). The following shall apply to the use and interpretation of FIRMs and data:
- (a) Where the development area lies in whole or in part of a Special Flood Hazard Area as shown on the effective map.
 - (b) Where Base Level Engineering is available, Base Level Engineering data shall be reviewed and reasonably used in FEMA-identified Special Flood Hazard Areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified Special Flood Hazard Areas.
 - (1) Base flood elevations and floodplain boundaries delineated by Base Level Engineering shall take precedence over base flood elevation and floodplain boundaries delineated by FIRMs and in Flood Insurance Studies (FIS) if the Base Level Engineering *shows increased floodplain boundaries and/or higher base flood elevations*.
 - (2) Base flood elevations and designated floodway boundaries on FIRMs and in Flood Insurance Studies (FIS) shall take precedence over base flood elevations and floodway boundaries delineated by Base Level Engineering if the FIRMs and/or Flood Insurance Studies (FIS) show *reduced floodway width and/or lower base flood elevations*.
- (6) **Notify adjacent communities** and the State Coordinating Agency, which is the Arkansas Natural Resources Commission, a minimum of 60 days **prior to any alteration or relocation of a watercourse**, and submit evidence of all such notifications to FEMA.
- (7) **Ensure that the flood carrying capacity** within an altered or relocated portion of a watercourse is not diminished, and that the alteration or relocation does not adversely impact any other lands.
- (8) **Obtain, review and reasonably utilize**, whenever the current Flood Insurance Study or current Flood Insurance Rate Map does not provide **base flood elevation data, any base flood elevation data and floodway data** available from any Federal, State or other source. The Floodplain Administrator may obtain such data by requiring the applicant to submit it in conjunction with a Floodplain Development Permit application. (The sole use of this data is the administration of the provisions of this Code.)

- (9) **Inspect floodplain developments as necessary** to ensure construction is in accordance with the application data that formed the basis for the decision to issue the Floodplain Development Permit.
- (10) **Issue Certificates of Compliance** when required by law.
- (11) **Maintain all records and documents pertaining to this Code** for public inspection.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit is required for all structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations or any other development **in a Special Flood Hazard Area to ensure conformance with the provisions of this Code.**

SECTION D. PERMIT PROCEDURES

- (1) **Application** for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.
- (2) The **documentation** required with each Application for a Floodplain Development Permit, and the specific provisions of this Code applicable to the proposed development, are dependent upon the type of development proposed and the Risk Zone of the proposed development site. Article 3, Section A contains standards for all developments in all Risk Zones. Article 3, Section B contains standards for specific development types in specific Risk Zones.
- (3) The decision of the Floodplain Administrator to **approve or deny** issuance of a Floodplain Development Permit is **subject to appeal** to the designated Appeal Board. Within **Washington County, AR**, Arkansas the designated Appeal Board is the **Washington County Planning Board.**

SECTION E. PROCEDURES FOR VARIANCE FROM THE REQUIREMENTS OF THIS CODE

- (1) Applicants must submit petitions for variances directly to the Appeal Board (Section F).
- (2) Variances may only be issued:
 - a) If showing a good and sufficient cause;
 - b) Granting of the variance will not result in any adverse impact upon other lands;
 - c) If granting of the variance will not result in any additional threats to public safety;
 - d) If granting of the variance will not result in extraordinary public expense;
 - e) If granting of the variance does not create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances;
 - f) If granting of the variance will not result in increased flood heights or an increase in expected flood velocities;
 - g) If the requested variance is the minimum necessary, considering the flood hazards, to afford the necessary relief; and
 - h) Upon determination that the requested variance is necessary to avoid an extraordinary hardship to the applicant.
- (3) Variances may not be issued for developments inside a regulatory floodway unless
 - a) All requirements of 44 CFR §65.12 are first met; or
 - b) The following requirements are met:
 1. A No-Rise Certificate signed and sealed by a Professional Engineer licensed to practice in the State of Arkansas is submitted to document that no increase in the base flood elevation would result from granting a variance for the proposed development;
 2. Protective measures are employed to minimize damages during flooding events; and
 3. The variance does not result in any adverse impact to other lands.
- (4) Examples of developments for which variance petitions may be appropriate include but are not limited to
 - a) The new construction of, or substantial improvement to, a structure on a lot of 1/2 acre or less in size that is surrounded by contiguous lots with existing structures constructed below the base flood elevation;
 - b) For the reconstruction, rehabilitation or restoration of an historical structure, provided that:
 1. The proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure; and
 2. The variance is the minimum necessary to preserve the historic character and design of the structure.
 - c) the new construction of, substantial improvement to, or other development necessary to conduct a functionally dependent use, provided that:
 1. The criteria outlined in Article 2, Section E, (3) and (4) and Article 2, Section F are met, and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTION F. APPEAL BOARD

- (1) Within **Washington County, Arkansas**, the **Washington County Planning Board** is the designated Appeal Board.
- (2) The Appeal Board will consider an appeal only with allegations of an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Code.
- (3) Upon consideration of the factors noted in Article 2, Sections E and F, and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
- (4) Appeal Board decisions are binding only upon the requirements of this Code, and have no bearing on the decision of any lending institution to require the purchase of flood insurance or on the rate determination of such insurance.
- (5) Any time the Appeal Board issues a variance, it must provide the applicant with a formal written warning of an increased risk of flood damage due to removal of restrictions designed to lessen such risks. The notice must also warn of a corresponding increase in the cost of flood insurance, since the cost of such insurance will be commensurate with the increased risk.
- (6) Aggrieved parties may appeal any decision of the Appeal Board to a court of competent jurisdiction.

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

The following standards apply to all developments in Special Flood Hazard Areas, regardless of the type of proposed development or the Risk Zone of the proposed site.

1. **All new construction or substantial improvements shall be designed (or modified) and adequately anchored** to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. **All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;**
3. **All new construction or substantial improvements shall be constructed with materials resistant to flood damage;**
4. All **critical facilities** constructed or substantially improved in Special Flood Hazard Areas (SFHA) must be constructed or modified to **exceed 500-year flood protection standards or located outside the SFHA.**
5. **The placement or construction of all new structures must be in full compliance with the provisions of this Code**
6. For the purposes of this Code, all **mixed-use structures** are **subject to the more stringent requirements of residential structures.**
7. **A substantial improvement or substantial damage** to an existing structure **triggers a requirement to bring the entire structure into full compliance** with the provisions of this Code. The existing structure, as well as any reconstruction, rehabilitation, addition, or other improvement, must meet the standards of new construction in this Code.
8. **Any improvement to an existing structure that is less than a substantial improvement requires the improvement, but not the existing structure, to be in full compliance with the provisions of this Code.**
9. **All manufactured homes** to be placed within a Special Flood Hazard Area on a community's FIRM shall be **installed using methods and practices which minimize flood damage.** For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Screw augers or expanding anchors will not satisfy the requirement of this provision.

10. The design or location of **electrical, heating, ventilation, plumbing, and air conditioning equipment for new structures**, or for any improvements to an existing structure, must prevent water from entering or accumulating within the components during base flood events.
11. The design of **all new and replacement water supply systems** must minimize or eliminate infiltration of floodwaters into the system during base flood events.
12. The design of **all new and replacement sanitary sewage** systems must minimize or eliminate infiltration of floodwaters into the system during flooding events, and must prevent sewage discharge from the systems into floodwaters.
13. The placement of **on-site waste disposal systems** must avoid impairment to, or contamination from, the disposal system during base flood events.
14. **Construction of basement foundations in any Special Flood Hazard Area is prohibited.**
15. New construction and substantial improvements, with **fully enclosed areas (such as garages and crawlspaces)** below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than 1 foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
16. The placement of **recreational vehicles (RV)** in Special Flood Hazard Areas must either:
 - (a) Be temporary, as demonstrated by the RV being fully licensed, being on wheels or a jacking system, attached to the site only by quick disconnect type utilities and security devices, having no permanently attached additions, and being immobile for no more than 180 consecutive days; or else
 - (b) Meet all provisions of this Code applicable to manufactured home structures.

17. All proposals for the development of a **residential subdivision, commercial business park or manufactured home park/subdivision** must have **public utilities and facilities such as sewer, gas, electrical and water systems** located and constructed to minimize or eliminate flood damage.
18. All proposals for the development of a **residential subdivision, commercial business park or a manufactured home park/subdivision** must include an adequate **drainage plan** to reduce exposure to flood hazards.
19. All proposals for the development of a **commercial business park or a manufactured home park/subdivision** must include an adequate **evacuation plan** for the escape of citizens from affected nonresidential structures during flooding events.

SECTION B. RISK ZONE SPECIFIC STANDARDS

In addition to the General Standards, the following standards apply to specific development types in specific Risk Zones. Risk Zones listed in this Code that do not appear on the current FIRM are not applicable.

(1) In AE or A1-30 Risk Zones: Special Flood Hazard Areas with base floods determined

a) For Residential Structures in Zone AE or A1-30:

1. For all new residential structures, the top surface of the lowest floor must have an elevation **two (2) feet or more** above the published BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

b) For Nonresidential Structures in Zone AE or A1-30:

1. All new commercial, industrial or other nonresidential structures must either:

- a. have the lowest floor (including basement) elevated **two (2) feet or more** above the base flood level or
 - b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below **an elevation of three (3) feet above** the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

c) For Manufactured Homes in Zone AE or A1-30:

1. All manufactured homes that are placed or substantially improved on sites:
 - a. Outside of a manufactured home park or subdivision,
 - b. In a new manufactured home park or subdivision,
 - c. In an expansion to an existing manufactured home park or subdivision, or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated **two (2) feet or more** above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:

- a. The lowest floor of the manufactured home is **two (2) feet or more** above the base flood elevation, or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
 4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

d) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted **within Zones A1-30 and AE** on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(2) Floodways

High risk areas of stream channel and adjacent floodplain

- a) **Developments** in regulatory floodways are **prohibited, unless**
 1. A **No-Rise Certificate**, signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, **is submitted** to demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels within the community during the occurrence of a base flood event; **or**
 2. **All requirements of 44 CFR §65.12 are first met.**
- b) **No Manufactured Home may be placed in a regulatory floodway**, regardless of elevation height, anchoring methods, or No-Rise Certification.

(3) In AH or AO Risk Zones:
Special Flood Hazard Areas of shallow flooding

a) **For Residential Structures in Zones AH or AO:**

1. All new residential structures must be constructed with the top surface of the lowest floor elevated **two (2) feet or more** above the published BFE, or **two (2) feet or more** above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
2. For all substantial improvements or substantial damage to existing residential structures the entire structure becomes subject to the requirements of a new residential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure

b) **For Nonresidential Structures in Zones AH or AO:**

1. All new commercial, industrial or other nonresidential structure must either:
 - a. Have the top surface of the lowest floor elevated **two (2) feet or more** above the published BFE, or **two (2) feet or more** above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, with documentation on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas; or
 - b. Be floodproofed such that the structure, together with attendant utility and sanitary facilities be designed so that below **three (3) feet or more** above the published BFE in Zone AH, or **three (3) feet or more** above the base specified flood depth in an AO Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

c) For Manufactured Homes in Zones AH or AO:

1. All manufactured homes that are placed or substantially improved on sites:
 - a. outside of a manufactured home park or subdivision,
 - b. in a new manufactured home park or subdivision,
 - c. in an expansion to an existing manufactured home park or subdivision, or
 - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated **two (2) feet or more** above the published BFE, or **two (2) feet or more** above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
 - a. The lowest floor of the manufactured home meets the elevation standard of paragraph (1.), or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.

4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.
 - d) **Where FEMA has not established a regulatory floodway in Zone in Zones AH or AO**, no Floodplain Development Permit may be issued unless a detailed engineering analysis is submitted along with the application that demonstrates the increase in base floodwater elevation due to the proposed development and all cumulative developments since the publication of the current FIRM will be less than 1 foot.
 - e) **Require adequate drainage paths** around structures on slopes, to guide flood waters around and away from proposed structures.
-

(4) In “A” Risk Zones:
Special Flood Hazard Areas with no base flood elevations determined

- a) **In Zone A, The applicant or the applicant’s agent must determine a base flood elevation prior to construction. The BFE will be based on a source or method approved by the local Floodplain Administrator.**
- b) **For Residential Structures in Zone A:**
 1. For all new residential structures, the top surface of the lowest floor must have an elevation **two (2) feet or more** above the BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
 2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.
- c) **For Nonresidential Structures in Zone A:**
 1. All new commercial, industrial or other nonresidential structures must either:

- a. Have the lowest floor (including basement) elevated **two (2) feet or more** above the base flood level or
 - b. Be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below **an elevation of three (3) feet above** the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

d) For Manufactured Homes in Zone A:

1. All manufactured homes that are placed or substantially improved on sites:
 - a. Outside of a manufactured home park or subdivision,
 - b. In a new manufactured home park or subdivision,
 - c. In an expansion to an existing manufactured home park or subdivision, or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated **two (2) feet or more** above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
 - a. The lowest floor of the manufactured home is **two (2) feet or more** above the base flood elevation, or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.
- e) **Base flood elevation data and a regulatory floodway**, utilizing accepted engineering practices, shall be generated for subdivision proposals and other proposed development including the placement of **manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser**, if not otherwise provided.

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2024-

APPROPRIATION ORDINANCE

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

**AN ORDINANCE AMENDING ORDINANCE 2023-135
TO AMEND THE BUDGET CONTROLS; AND, OTHER
MATTERS PERTAINING THERETO.**

WHEREAS, the Washington County Quorum Court passed a historic 2024 Budget with the caveat that it would limit requests to increase personnel and salaries during the 2024 fiscal year; and,

WHEREAS, requests to change personnel positions are often submitted to the Quorum Court after the commencement of the budget process for the subsequent year, complicating the budget process; and,

WHEREAS, personnel changes that are made during the budget process undermine the process and lead to mistakes in the budget; and,

WHEREAS, these changes also lead to a large number of additional man hours needed in the office of the Comptroller and Human Resources to make the changes in the proposed budget; and,

WHEREAS, it is the desire of the Quorum Court to limit the requests in changes to personnel positions and requests for new personnel positions to twice a year; and

WHEREAS, absent an emergency, the Quorum Court will only consider said changes in March and July.

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

ARTICLE 1. The Quorum Court hereby amends Ordinance 2023-135 as follows:

ARTICLE 4. **Budget Controls.** It is the responsibility of each elected official and/or department head to operate within the guidelines of the budget as adopted

43 or amended by the Quorum Court. The guidelines are described in the following
44 paragraphs:

45
46 The budget for each County department consists of appropriations of authorized
47 expenditures in the following major categories:

- 48
- 49 • Personal Services (Salaries, Overtime, Benefits, etc.)
- 50 • Supplies
- 51 • Other Services and Charges
- 52 • Capital Outlay
- 53 • Debt Service
- 54 • Inter-fund Transfers
- 55

56 Expenditures will be limited to the amounts appropriated in the above categories.

57
58 Transfers in Personal Services categories or transfers between departments may
59 only be made by Ordinance.

60
61 Grant funds are not subject to the restrictions in this article. Line-item transfers
62 within a departmental budget may be made within and into all categories, with the
63 exception of the Personal Services Category as outlined herein. Transfers going into or
64 out of the Capital Outlay Category shall not exceed \$20,000 per year in the General Fund,
65 excluding the County Judge-Emergency Budget; any transfers exceeding this limit will
66 require approval of the Quorum Court. No department may purchase supplies or other
67 services and charges for another department except for utilities and cleaning and
68 maintenance services provided by the Buildings & Grounds Department aggregated into
69 the general budget. This does not apply to departments who work together in cost sharing
70 projects.

71
72 Appropriations for use of grant funds must be made by ordinance with a grant
73 agreement approved by the County Judge. All personnel positions funded by grants will
74 be annotated as such and may be abolished upon expiration of the grant. All Grants will
75 be administered through the County Grants Administration Office with all billings and
76 financial reporting being handled in the Comptroller's Office.

77
78 All approved purchases must be made with a Purchase Order or P-Card and follow
79 the written purchasing procedures as outlined by the County Judge.

80
81 The Comptroller will transfer monies monthly from individual departmental
82 budgets into the Insurance Benefit Fund for all full-time positions and qualifying part
83 time employees regardless of whether all positions in the departments are filled.

84
85 Surplus personnel appropriations shall be de-appropriated from Full-time Salaries
86 on a quarterly basis (April/July/October). These surplus funds shall be restored to
87 unappropriated reserves.

89 Elected Officials shall be paid at the maximum amount allowed by law.

90
91 The County Judge-Emergency Budget monies are not to be granted to individual
92 citizens but are to be used to pay for expenses incurred by the County in assisting the
93 citizens at large when the County Judge has declared an emergency pursuant to
94 A.C.A.§12-75-101, et seq.

95
96 The Quorum Court will only consider requests to changes in personnel positions
97 (i.e., salary changes, title changes, grade changes, etc.) and requests for new personnel
98 positions during its March and July meetings. Should the Quorum Court feel that an
99 emergency exists, it may, by approval of 2/3 of the entire body, consider said changes at
100 any meeting necessary.

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105 _____
106 PATRICK W. DEAKINS, County Judge DATE

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109 _____
110 BECKY LEWALLEN, County Clerk

111 Introduced by:
112 Date of Adoption:
113 Members Voting For:
114 Members Voting Against:
115 Members Abstaining:
116 Members Absent:

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119
120 Committee History: Finance and Budget Committee 01/09/2024-passed on to the Jan 24 QC
121 Quorum Court History:

Item 24-O-005

Requested by: County Judge Patrick Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2024-

APPROPRIATION ORDINANCE

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

AN ORDINANCE AMENDING THE COUNTY LIBRARY BUDGET FOR 2023.

WHEREAS, the County Library experienced unexpected increased costs during 2023; and,

WHEREAS, the Quorum Court desires to appropriate funds to replenish the County Library’s budget to end 2023.

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

ARTICLE 1. There is hereby appropriated the amount of \$2,200 from the unappropriated reserves in the County Library Fund (3008) to the General Supplies line item in the County Library – Winslow budget (30080611.2001) for 2023.

ARTICLE 2. There is hereby appropriated the amount of \$800 from the unappropriated reserves in the County Library Fund (3008) to the General Supplies line item in the County Library – Greenland budget (30080610.2001) for 2023.

PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by:
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:

43 Members Absent:

44

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46 Committee History:

Finance and Budget 01/09/2024 passed on to Jan 24 QC

47 Quorum Court History:

Requested by: County Judge Patrick W. Deakins
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2024-

APPROPRIATION ORDINANCE

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

AN ORDINANCE RECOGNIZING AND APPROPRIATING \$81,101.31 IN THE CIRCUIT COURT IV BUDGET FOR 2023.

WHEREAS, Washington County received a total of \$81,101.31 from UAMS in 2023 for a drug court grant; and,

WHEREAS, this money needs to be appropriated to the Circuit Court IV Budget for 2023.

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

ARTICLE 1. There is hereby recognized additional revenue in the amount of \$81,101.31 in the unappropriated reserves of the General Fund (1000).

ARTICLE 2. There is hereby appropriated the total amount of \$81,101.31 from the unappropriated reserves in the General Fund (1000) to the following line items in the Circuit Court IV Budget for 2023:

Salaries, Full-Time	10000404.1001	\$ 44,327.81
Social Security Matching	10000404.1006	3,309.21
Employer Retirement Contribution	10000404.1008	6,791.00
Health Insurance Matching	10000404.1009	5,424.84
Other Professional Services	10000404.3009	14,139.80
Training and Education	10000404.3101	7,108.65

PATRICK W. DEAKINS, County Judge

DATE

43 BECKY LEWALLEN, County Clerk

44

45 Introduced by:

46 Date of Adoption:

47 Members Voting For:

48 Members Voting Against:

49 Members Abstaining:

50 Members Absent:

51

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53 Committee History:

Finance and Budget 01/09/24-passed on to Jan 2024 QC

54 Quorum Court History:

Requested by: JP Beth Coger
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2024-

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

AN ORDINANCE AMENDING ORDINANCE 2017-44.

WHEREAS, the Washington County Quorum court adopted Ordinance 2017-44 on the 21st day of September, 2017 and it was filed of record with the Washington County Clerk on September 25, 2017; and,

WHEREAS, said Ordinance is entitled “An Ordinance Creating the Washington County Criminal Justice Coordinating Board,” and upon its enactment established the Washington County Criminal Justice Coordinating Board pursuant to the Criminal Justice Efficiency and Safety Act of 2017 (Act 423) which encouraged counties to create such a board; and,

WHEREAS, the Washington County Criminal Justice Coordinating Board is an essential component of justice reforms for Washington County as outlined in the 2020 Criminal Justice Assessment Study commissioned by the Washington County Quorum Court and performed by the National Center of State Courts; and,

WHEREAS, Article 2 of Ordinance 2017-44 provided that members of the Board shall consist of local judges, local corrections officials, the prosecuting attorney, law enforcement officials, county officials, medical professionals, and mental health professionals; and,

WHEREAS, the terms of the original board members expired in September 2023 and since that time the Board has been suspended.

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

ARTICLE 1. Article 2 of Ordinance 2017-44 is hereby amended
as follows:

ARTICLE 2. The Washington County Criminal Justice Coordinating Board shall consist of local judges, local corrections officials, the prosecuting attorney, law enforcement officials, county officials (or his or her designee), medical professionals, ~~and~~ mental health professionals, and members of the public.

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PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Introduced by: JP Beth Coger

Date of Adoption:

Members Voting For:

Members Voting Against:

Members Abstaining:

Members Absent:

Committee History: County Services 01/09/24-passed on to Jan 2024 QC

Quorum Court History:

Item 24-O-009

Requested by: County Judge Patrick W. Deakins (Planning Department)
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2024-

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

AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING BOARD.

WHEREAS, the Planning Board voted to recommend approval of a Conditional Use Permit for the **CDS Motorsports** project on **December 7, 2023**; and,

WHEREAS, ratification is required by the Quorum Court; and,

WHEREAS, ratification will not affect any appeal rights any person may have.

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

ARTICLE 1. The Conditional Use Permit for the **CDS Motorsports** Project recommended for approval by the Planning and Zoning Board is hereby ratified.

PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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45 Introduced by:
46 Date of Adoption:
47 Members Voting For:
48 Members Voting Against:
49 Members Abstaining:
50 Members Absent:
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53 Committee History:
54 Quorum Court History:

Item 24-O-011

Requested by: County Judge Patrick W. Deakins (Planning Department)
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2024-

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

AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT RECOMMENDED FOR APPROVAL BY THE PLANNING BOARD.

WHEREAS, the Planning Board voted to recommend approval of a Conditional Use Permit for the **Kindness in Motion** project on **January 11, 2024**; and,

WHEREAS, ratification is required by the Quorum Court; and,

WHEREAS, ratification will not affect any appeal rights any person may have.

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

ARTICLE 1. The Conditional Use Permit for the **Kindness in Motion** Project recommended for approval by the Planning and Zoning Board is hereby ratified.

PATRICK W. DEAKINS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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Introduced by:
Date of Adoption:
Members Voting For:
Members Voting Against:
Members Abstaining:
Members Absent:

Committee History:
Quorum Court History:



WASHINGTON COUNTY, ARKANSAS

County Courthouse

COUNTY SERVICES/FINANCE & BUDGET COMMITTEE REPORT –

January 2024

Judge Patrick Deakins

The County Services/Finance & Budget Committee met Tuesday, January 9, 2024 at 6:00PM. JP Suki Highers and JP Evelyn Rios Stafford were absent.

JP Sean Simons led the prayer and pledge.

JP Ecke with 2nd by JP Pond to let the report presenters leave due to inclement weather and because the reports are available on the county website for review. Passed by voice vote, items 4, 5,6,7,8 were removed from the agenda.

The Committee passed seven items on to the Quorum Court and one ordinance failed. Discussion about item nine was had along with a public comment from Dwayne Cunningham. JP Coger brought an amendment to item 2017-44 to expand the CJCC committee with public comments from Ann Harbison and Jonathan Nunez.

Additional public comments were heard from Wendy Finn

Meeting was adjourned at 6:59pm.