



City of Hot Springs  
Planning & Development  
Municipal Building

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**MEMORANDUM**

**TO:** David H. Doty, Chairman  
Garland County Planning Commission Study Committee

**FROM:** Kathleen Sellman AICP *KS*  
City of Hot Springs Planning & Development Director

**DATE:** March 13, 2007

**SUBJECT:** Hot Springs Extraterritorial Planning Activities in Unincorporated  
Garland County

At your request I have prepared a brief summary of the city's land use authority in its extraterritorial county area, land use controls currently in place, future plans for such controls, and the current levels of regulatory activity.

**Statutory Basis**

*Section 14-56-413*

[REDACTED]

Cities of eight thousand (8,000) to fifty thousand (50,000) population and situated on navigable streams have the authority to administer and enforce planning and zoning ordinances for one (1) mile beyond the corporate limits. Hot Springs is on a navigable stream.

The planning commission designates the area within the territorial jurisdiction for which it will prepare plans, ordinances, and regulations by describing the boundaries of the planning area. Hot Springs has a designated planning area.

[REDACTED]

When the city adopts a master street plan, the planning commission may prepare and shall administer, after approval of the legislative body, regulations controlling the development of land, including access to lots and parcels, utility provision, and subdividing land into lots. Standards provide minimum requirements for developer-installed improvements such as street grading and paving, water, storm, and sewer mains. Hot Springs has adopted a comprehensive plan that includes a master street plan.

The regulations may permit the developer to post a performance bond in lieu of actual installation of required improvements before plat approval and may provide for right of way dedication to the public.

### **Controls Being Applied**

The city's water utility can, and does, require a plumbing permit as a condition of water service hook-up.

In the city's planning area, the city acts as a surrogate for the state Fire Marshal.

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
Subdivision ~~\_\_\_\_\_~~ NOTE: ~~\_\_\_\_\_~~ IS ~~\_\_\_\_\_~~ THE ~~\_\_\_\_\_~~ OF ~~\_\_\_\_\_~~ THE ~~\_\_\_\_\_~~ ZONING

### **Future Plans**

The city planning commission will hold a public hearing April 19, 2007, to consider revised subdivision rules, including a new planning area map and description.

The Board of Directors will soon consider a conceptual proposal to implement zoning within one-mile of the corporate limits of Hot Springs. As currently envisioned, such zoning initially will reflect the existing future land use map designations in its adopted comprehensive plan for 1996-2020.

## 2002 – 2006 Hot Springs Extraterritorial Activity

### Subdivision

|                   |                   |                   |                  |                   |
|-------------------|-------------------|-------------------|------------------|-------------------|
| <u>2006</u><br>19 | <u>2005</u><br>17 | <u>2004</u><br>14 | <u>2003</u><br>8 | <u>2002</u><br>10 |
|-------------------|-------------------|-------------------|------------------|-------------------|

### Article II Site Plans

|                   |                  |                  |                  |                  |
|-------------------|------------------|------------------|------------------|------------------|
| <u>2006</u><br>32 | <u>2005</u><br>1 | <u>2004</u><br>0 | <u>2003</u><br>0 | <u>2002</u><br>0 |
|-------------------|------------------|------------------|------------------|------------------|

### Extraterritorial Plumbing Permits

#### **New Homes**

|                    |                    |                    |                    |                    |
|--------------------|--------------------|--------------------|--------------------|--------------------|
| <u>2006</u><br>367 | <u>2005</u><br>361 | <u>2004</u><br>325 | <u>2003</u><br>310 | <u>2002</u><br>266 |
|--------------------|--------------------|--------------------|--------------------|--------------------|

#### **New Commercial**

|                   |                   |                   |                   |                   |
|-------------------|-------------------|-------------------|-------------------|-------------------|
| <u>2006</u><br>27 | <u>2005</u><br>41 | <u>2004</u><br>40 | <u>2003</u><br>31 | <u>2002</u><br>22 |
|-------------------|-------------------|-------------------|-------------------|-------------------|

#### **Total plumbing permits, including new homes and new commercial**

|                     |                    |                    |                    |                     |
|---------------------|--------------------|--------------------|--------------------|---------------------|
| <u>2006</u><br>1054 | <u>2005</u><br>823 | <u>2004</u><br>750 | <u>2003</u><br>891 | <u>2002</u><br>1517 |
|---------------------|--------------------|--------------------|--------------------|---------------------|

The total permits category includes water turn-on's to existing residential and commercial, mobile home service, landscaping, second meter, and RPZ. In 2002, several hundred existing water district customers joined the City's water system.

I look forward to meeting with the Study Group on March 20, 2007.

**Dianne Morrison**

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**From:** Peggy Daley [peggy.daley@cadcom.net]

**Sent:** Sunday, March 11, 2007 2:22 PM

**To:** Dianne Morrison

**Subject:** Agencies with County Influence

Dianne,

As per our last meeting, here's my list of agencies that have influence over county land use.

Peggy

**ADHS - Environmental Services –**

- Local Office – Onsite Wastewater,
- Engineering – Subdivisions, Commercial Multi-Bldg, RV Parks, etc.

**ADEQ –**

- Storm Water
- Wastewater Discharge Permits,
- Phase I & II Impact Studies (hazardous waste, new rule 32)

**US Department of the Interior Fish and Wildlife Services –**

- Endangered Species

**AR State Highway Department –**

- Driveway/Roadway Access Permission,
- Utility Easements,
- Road Bores/Cuts.

**Corps of Engineers –**

- Named tributaries (dredging, crossing, etc.)

**Entergy –**

- Lakes (seawalls, docks, etc.)

**Water Districts (HS, Kimzey, NGC, Royal) –**

- Water Connects (individual or taps)

**Garland County –**

- Environmental Services – Storm Water,
- Sanitation – Trash Collection,
- Road Department – Easements, Road Crossings or Bores,
- Clerk – Filing Subdivision Plats,
- Judge – Subdivision Review.

**City of Hot Springs –**

- Within 5 Mile Jurisdiction – City Planning,
- Outside 5 Miles if attaching to City Sewer &/or Water – Utility Dept, Fire Dept (Water), Board of Directors Consent

Possible Existing Regulations Affecting Planning Activity In Garland County, Arkansas

| Issue   | Possible Requiring Body  |
|---|--|
| ---Property Development - Individual Plat (Non Sub-Division) or Single Bldg Housing, Commercial, Public, or Mfg Anywhere Outside Cities or POA's---                     | not req'd? (Other than plumbing permit/approval if connect to city)                                |
| Legal document Filing   |  |
| Agricultural  |  |
| Roads   | Garland County   |
| Structure Construction (Fire, Elec, Structure, Facade, etc.)  | State of Arkansas (via Fire Code, specifies IBC)   |
| Structure Construction - Plumbing   | State of Arkansas (via Fire Code, specifies IBC), City or other water systems if connect to system |
| Sanitary Waste Disposal - Municipal System  | US Gov, State of Arkansas, city of HS if connect to system   |
| Sanitary Waste Disposal - Non-Municipal or Septic System  | US Gov, State of Arkansas, Ark Health Dept   |
| Storm Water Control   | US Gov, State of Arkansas, Garland Co  |
| Wetlands Consideration  | US Gov, State of Arkansas  |
| Floodplain Consideration  | US Gov, State of Arkansas, Garland Co requires construction permit                                 |
| Water Discharge Other Than Sanitary   |  |
| Air Discharge   | US Gov, State of Arkansas  |
| Haz Waste Treatment/Disposal/Transportation   | US Gov, State of Arkansas  |
| Tier II Inventory   | US Gov, State of Arkansas  |
| ---Property Development, Subdivision of Land Tracts or "Large Tract" Multiple Bldg Housing, Commercial, Public, or Mfg Outside 5 Miles from City of HS---               |  |
| Legal document Filing   | State of Arkansas?, Garland County?  |
| Roads   | Garland County   |
| Fire Hydrants, Min Lot Size, Set-backs, etc.  | State of Arkansas (via Fire Code, specifies IBC), Subdivision Bill of Assurance or POA's           |
| Structure Construction (Fire, Elec, Structure, Facade, etc.)  | State of Arkansas (via Fire Code, specifies IBC), Subdivision Bill of Assurance or POA's           |
| Structure Construction - Plumbing   | State of Arkansas (via Fire Code, specifies IBC), City or other water systems if connect to system |
| Sanitary Waste Disposal - Municipal System  | US Gov, State of Arkansas, city of HS if connect to system   |
| Sanitary Waste Disposal - Non-Municipal or Septic System  | US Gov, State of Arkansas, Ark Health Dept   |
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| Air Discharge   | US Gov, State of Arkansas  |
| Haz Waste Treatment/Disposal/Transportation   | US Gov, State of Arkansas  |
| Tier II Inventory   | US Gov, State of Arkansas  |
| ---Property Development - Subdivision of Land Tracts or "Large Tract" Multiple Bldg Housing, Commercial, Public, or Mfg If Within 5 Mile City of HS E.T.---             |  |
| (State law allows and city HS already exercising authority over design criterion - permit, building structure, infrastructure such as roads, lot size, set-backs, etc.) |  |
| ---Property Development - All Types if Within 1 Mile of City HS---  |  |
| (State law may already provide authority for HS to implement zoning and related regulations.)   |  |
| ---Other General---   |  |
| Fire Response   | Garland county   |
| Open Burning  | MPO  |
| Transportation - Long Term Planning   | State of Arkansas if public funds used   |
| Outdoor Lighting - Shielded   | State of Arkansas, Garland County  |
| Solid Waste   | Garland County   |
| Noise   |  |
| Vacant Buildings  |  |
| Uninsightly Property  |  |
| Emergency Action Organization   | State of Ark?, Garland County  |
| Junkyards, Salvage yards, Auto Graveyards, etc.   | Garland County - Must be screened  |
| Sexually Oriented Businesses  | Garland County - Restrictions per County resolution  |
| Contractor's License  | State of Arkansas and build more than 4 items/year?  |

Notes:

- 1) IBC = International Building Code
- 2) E.T. = Extra Territorial Jurisdiction