

Think Quality - Think Future

Blount County Planning Department

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TO: Blount County Planning Commission

FROM: John Lamb

DATE: May 14, 2008

SUBJECT: Long range agenda items for the May 22, 2008 regular meeting.

1. Continued discussion of Ridge-top and Hillside development.

This item is open for discussion at every regular meeting at the direction of the Planning Commission. The Committee on possible ridge-top and hillside development standards met again on May 13. The Committee reviewed an example of regulations associated with a previously reviewed design handbook. Material reviewed included first five sections of regulations found at <http://co.wasco.or.us/planning/NSACHAP14.html> and related design handbook at http://www.gorgecommission.org/client/handbooks/FINAL_scenichandbook.pdf. The Committee also reviewed material related to aesthetic based regulations found at <http://www.mrsc.org/Publications/mrnews/sept93.aspx#aesthetic>. The Committee directed staff to formulate a draft set of regulations for next meeting on June 19 at 9:00 AM in Room 433. Staff and the Committee may report further at the Planning Commission meeting.

2. Continued discussion of revisions to the Policies Plan.

See attached the latest update of the cumulative draft revisions of the Policies Plan. Staff requests review of the draft for any further revisions. Note in particular items under Guiding Policy 4 which contains the most recent revisions. The Planning Commission will meet in special work session on May 29 at 5:30 PM in Room 433 to continue review into Guiding Policy 5 on schools and other infrastructure. Staff asks for possible dates for a special work session in June to continue the revision

process. Staff also asks for discussion of possible public hearing or input session after the first draft is complete. This would be in addition to the formal public hearing required by statute.

3. Request from the Board of Zoning Appeals to consider adding definition of agritainment to the zoning regulations.

The Board of Zoning appeals at its last meeting took action to request that a definition of agritainment be added to the zoning regulations. Attached is a set of materials provided by Larry Campbell of the BZA in this regard.

4. Setting of first meeting of the Committee to study issues of junk and junk cars.

The Planning Commission at the last regular meeting formed an ad hoc Committee to study issues of junk and junk cars. That Committee is composed of Commissioners Scully, Helton, Harrison, and Ramsey, along with Roger Fields. Staff requests consideration by the Committee to set date and time of its first meeting.

5. Staff reports.

Staff may have other miscellaneous reports at the meeting.

ATTACHMENT ITEM 2.

Policies Plan cumulative draft summary of changes from October 30, November 27, 2007, January 29, February 26, March 25, March 27, and April 29, 2008 meetings.

At successive meetings, the Planning Commission revised in general sequence the Objective Policies and Implementation Strategies of the Policies Plan, also selectively integrating objectives and implementation items from other plans and studies. At each successive meeting, revisions from previous meetings were again reviewed and revised. The Planning Commission is addressing development issues of hillsides and ridge-tops from Objective Policy 1C separately during regular and ad hoc committee meetings. The Planning Commission is addressing issues of junk and junk cars from Objective Policy 2D separately in an ad hoc committee.

The following is a cumulative first cut draft of changes to the Policies Plan from Planning Commission discussions. Progression is from Guiding Policy to Objective Policy to Implementation Strategy to Implementation Agenda. Deletions are represented by double strike-out. Additions are in italics. Generally, if the item is fully italicized, the item comes from another source such as an auxiliary plan or study, or the Hunter Interests Growth Strategy.

1. Guiding Policy - The rural, small town and natural character of the county should be preserved.

1A. Objective Policy - New development should be designed to fit into the rural character of the county.

1A-Implementation Strategy (1). Rural character should include trees and natural vegetation, open space, and natural features.

- Review and revise the county ~~Subdivision~~ regulations, and formulate *and adopt voluntary* design guidelines for preservation of open space, preservation of natural features, *protection of stream banks*, minimization of visual impact, and other design elements ~~not appropriate for formal regulation~~. (note: amended by staff to combine two closely related implementation items, and to reflect the need to address more than just subdivision regulations)
- *Establish a percent of usable open space standards in subdivision regulations and zoning, and require developer dedication of open space*
- *Amend subdivision regulations and zoning to require retention of natural cover and minimize land disturbance during construction*
- *Amend subdivision regulation to require open space treatment at entrance to subdivision, e.g., greater lot setback, berm or buffer.*

1A-Implementation Strategy (2). ~~Encourage and support efforts of the Tuckaleechee Cove Advisory Board to~~ Formulate a plan for the Tuckaleechee Cove, gateway to the Great Smoky Mountains Park, ~~along~~ with input from the citizens of Townsend and Tuckaleechee Cove.

- ~~■ Continue involvement in the Tuckaleechee Cove Advisory Board.~~
- *Continue pursuit of National Heritage Area designation.*

- *Support Townsend and Cove efforts to define a suitable development character.*
- *Include Townsend as a site for citizen input in any County planning process involving citizen input.*

1A-Implementation Strategy (3). Professional literature on designing new developments to fit into the rural character of the county should be reviewed to provide alternatives as part of identifying and formulating specific implementation activities.

- Review professional literature on design guidelines for preserving rural character, preserving farmland, preserving scenic views, and other matters pertinent to further refinement of implementation strategies, *and in particular to:*
 - *designate “villages” or “hamlets” in rural areas to allow clustering on community sewer service with dedication of open space and appropriate density bonus*
 - *formulate and adopt guidelines for design, appearance, and relationships of buildings, parking areas, signs, pedestrian paths, landscaping, and other aspects of the visual and functional environment*
 - *concentrate commercial zoning at key intersections*
 - *require planting plan to screen development bordering major roads with particular emphasis on parking areas, loading areas, dumpster areas, HVAC areas, and other areas that may pose visual impact*
 - *reduction of visual clutter of signs*
 - *restrict tower location and height, and blending towers into surroundings*

1B. Objective Policy: Farmland should be preserved both for open space and to conserve prime agricultural production areas.

1B - Implementation Strategy (1). Encourage private conservation groups or the establishment of a private Blount County Farm Trust to accept voluntary donations of land, and to accept money contributions for purchase of development rights.

- **Any program would be voluntary and purely** *may involve private and government partnership with no government input.*
- *Encourage and support public and private sector programs that directly preserve priority rural land in the County.*
- *Increase awareness among the public and officials of existing programs and incentives that can help preserve rural land, such as conservation easements, and efforts of the Foothills Land Conservancy.*

1B – Implementation Strategy (2). Pursue possible grant and other funding sources for a purchase of development rights program.

- ~~Formulation of~~ **Formulate a strategic plan to preserve farmland and rigorous search for alternative funding sources not requiring separate local fees or taxes.**
- *Explore options for funding purchase of development rights.*

1B – Implementation Strategy (3). Professional literature on preserving farmland should be reviewed to provide alternatives as part of identifying and formulating specific implementation activities.

1C. Objective Policy: Our beautiful and scenic environment should be protected, including commonly shared viewsapes, ridge tops, lakeshores and river banks.

1C – Implementation Strategy (1). Formulate regulations to address engineering, geological, soils and public safety issues of development design in mountain areas. ~~Encourage~~ Require development design in mountain areas that minimizes visual impact.

(Details under consideration separately at regular meetings and in an ad hoc committee.)

1C – Implementation Strategy (2). ~~Encourage~~ Require a type of construction for communications towers which would blend in with the natural surroundings.

- Adopt regulations to require that communications towers be disguised in such a manner to blend in with the natural surroundings, *including restrictions on tower location and height.*

1C – Implementation Strategy (3). Encourage co-location of telecommunication facilities on existing towers.

- Adopt regulations ~~requiring an effort to co-locate~~ *to require co-location of facilities and show specific reasons for lack of feasibility if not feasible.*

1C – Implementation Strategy (4). ~~Businesses~~ Property owners should keep their property in proper upkeep ~~voluntarily~~.

- Guidelines for ~~voluntary~~ compliance with incentives such as public recognition or monetary awards for well kept businesses.

1C – Implementation Strategy (5). Professional literature on preserving scenic views should be reviewed to provide alternatives as part of identifying and formulating specific implementation activities.

- *Review literature in particular to identify:*
 - *guidelines for design, appearance, and relationships of buildings, parking areas, signs, pedestrian paths, landscaping, and other aspects of the visual and functional environment;*

- ways to screen development to mitigate impact;
- ways to reduce visual clutter of signs.

1D Objective Policy - The lakes, rivers and streams in the county should be protected as a part of our natural environment and drinking water resource, and as part of our scenic and recreational resource.

1D Implementation Strategy (1). ~~Conduct a study of pollution sources of the Little River, and~~ Formulate a county wide pollution prevention program, to include the following elements:

- Coordinate a study of pollution sources with other agencies, such as TVA, and create an advisory committee to formulate a pollution prevention program.
- *Continue implementation of Phase 2 Storm Water Program.*
- *Conduct storm water system mapping.*
- *Extend Little River Watershed Plan to all watersheds in the County.*
- *Educate the public, agricultural and development community on water quality issues.*
- *Develop illicit discharge management program and regulations.*
- *Develop construction site storm water control regulations.*
- *Develop post construction storm water management regulations.*
- *Undertake joint review of development regulations and permit procedures (County and Cities to assess effectiveness in addressing water quality issues.)*
- *Reduce pollution load in 303(d) listed impaired streams to remove them from the list.*
- *Support activities of the Little River Watershed Restoration Initiative and other watershed improvement activities.*
- *Continue current protocol for failing septic systems.*
- *Provide financial assistance to low-income families for septic system repair.*
- *Follow current county standards for septic system lot size requirements.*
- *Form a County Wastewater Board for oversight of sewer facilities outside municipal systems.*
- *Provide education materials on well maintenance and safety for those on well water.*
- *Maintain well water database create by the EHAT/Water Quality Subgroup.*
- *Follow state-approved (TDEC) response plan for sanitary sewer overflow incidents.*
- *Submit yearly overflow data to the county director of environmental health.*
- *Continue advisories for water bodies where contact and/or consumption of fish would be unhealthy.*
- *Add all stream miles in the county for testing under the 305(b) report: The Status of Water Quality in Tennessee.*
- *Encourage and provide incentives for adoption of best management practices for water quality in farming operations.*
- *Target one stream in the county for an intensive mitigation program every three years.*
- *Protect wellhead and aquifer recharge areas in proposed subdivisions.*

1D Implementation Strategy (2). The county should undertake a county-wide sewer study and plan.

- Create a task force to study *and evaluate long range sewer needs and the feasibility of creating a county sewer system, and/or extension of existing municipal systems, and formulate policies and a plan for future sewer improvements* .
- *Form a County Wastewater Board for oversight of sewer facilities outside municipal systems.*

1D Implementation Strategy (3). Protect the health of the citizens of Blount County, and protect the quality of water in the county.

- ~~Formulate and consider more stringent septic field standards specific to Blount County (revision of existing minimal state standards).~~ Pursue more stringent enforcement for violation of septic disposal standards, *including protection of septic systems during construction.* ~~The County should develop a water and pollution prevention program of its own.~~
- *Continue current protocol for failing septic systems.*
- *Provide financial assistance to low-income families for septic system repair.*
- *Follow current county standards for septic system lot size requirements.*
- *Protect wellhead and aquifer recharge areas in proposed subdivisions.*

1D Implementation Strategy (4). Protect detention areas and drainage ways in a natural state to enhance drainage capabilities.

- Amend subdivision regulations and any other development related regulations to require retention of natural cover for drainage facilities, require additional ground cover for degraded drainage facilities, and require minimization of disturbance and compaction during construction phase.

1D Implementation Strategy (5). Formulate a county-wide drainage plan by drainage basin, addressing quantity of runoff as well as quality of runoff, such plan to form the basis for judging needed drainage requirements of individual new developments.

- *Seek grant funding for such a study and appoint a committee with professional technical help to formulate a plan.*
- *Formulate retrofit drainage plans in impacted watersheds.*

(NOTE: The following Objective Policy was deleted in its entirety since the issues were addressed under 1A-Implementation Strategy (2) above.)

~~**Objective Policy 1E: New commercial development in Townsend and Tuckaleechee Cove should be consistent with the small town and Appalachian heritage look of the area.**~~

~~(1) Encourage and support efforts of the Tuckaleechee Cove Advisory Board to formulate a plan along with input from the citizens of Townsend and Tuckaleechee Cove.~~

~~Implementation: Continue membership and support of area planning activities.~~

1F Objective Policy - ~~Preservation and provision of~~ *Preserve and provide* formal open space for parks and recreation ~~should be encouraged.~~

1F Implementation Strategy (1). Formulate a county-wide parks and recreation plan, including utilization of existing public facilities such as schools.

- Appoint a working committee composed of representatives from the Parks and Recreation Commission, the School Board and citizens.
- *Integrate a plan for community wide open space and recreation into the Comprehensive Parks and Recreation Master Plan, a comprehensive county plan, and other existing plans.*

(NOTE: The Planning Commission undertook review of Guiding Policy 3 on the police power in relation to regulations, prior to and as preparation for considering more focused discussions on regulations under Guiding Policy 2.)

3. Guiding Policy - The guiding policy in any government actions in relation to the use and development of land should be to limit regulations to specific public health, safety and welfare objectives balanced with responsible freedom in the use of land.

3A. Objective Policy - Objective Policy 3A: Any public regulation of land use and development should be in accordance with constitutional principles on rights to private use of land as interpreted by state and federal courts.

3B Objective Policy - Any regulation of land use or development should be based on a clear relationship to public health, safety and welfare.

3A & B - Implementation Strategy (1). Education of public officials on constitutional provisions and basic decisions of the courts on land use issues.

- Provide education to public officials on *the meaning of “public health, safety and welfare”*, constitutional provisions and court decisions on land use issues, *and the need to balance private property rights with the community benefits of regulations to manage growth*. The need for education on constitutional and legal issues of land use was recognized from the citizen input workshop process. It is incumbent on all officials concerned with land use regulations to be informed on the prospects and limits for such regulations.

3A & B - Implementation Strategy (2). ~~Explicit requirement that any~~ Any regulation *should* have a clear relationship to plan objectives in support of health, safety, and/or welfare.

3A & B - Implementation Strategy (3). A mechanism for relief from undue impact on property values should accompany any regulation of land use.

- As part of any land use regulations, establish a grievance, review and relief or variance process for property owners whose land value is substantially affected by county regulation of land use.

2. Guiding Policy - The rural, small town and natural character of the county should be preserved.

(NOTE: The Planning Commission undertook summary revision of Objective Policies 2B to 2F prior to revision of Objective Policy 2A , finding that the prior were mostly a matter of rewording from adoption to maintenance mode, or were being addressed separately.)

2B. Objective Policy - Development on mountains and ridge tops should be regulated to protect sensitive areas of slope and viewscapes.

(Details under consideration separately at regular meetings and in an ad hoc committee.)

2C. Objective Policy - ~~Development in flood plains should be regulated to allow county residents the opportunity to purchase flood insurance.~~ Adopted flood plain regulations should be maintained and enforced to continue participation in the National Flood Insurance Program that allows county residents opportunity to purchase flood insurance.

2D. Objective Policy - ~~Junk on private property should be regulated.~~ Effective options for regulating junk on private properties, junk cars, and maintenance of properties should be developed, adopted and enforced.

(Details under consideration separately in an ad hoc committee.)

2E. Objective Policy - ~~The safety and quality of buildings should be insured through regulation.~~ Adopted building codes should be maintained and enforced to secure quality of buildings in the county.

2F. Objective Policy - Billboards, signs, towers and other structures which could impact the views of the county should be regulated.

2F -Implementation Strategy (1). *Maintain regulations addressing billboards, signs and towers, and explore more effective measures to address billboards and signs, and restrict tower location and height and blending towers into surroundings.*

2A Objective Policy – *Adopted zoning, subdivision regulations and other land development regulations should be maintained and improved if needed, with other regulations formulated and adopted as needed.*

2A Implementation Strategy (1). ~~Adopt an updated land use plan for the county, including workable implementation strategies.~~ *Update and expand the Conceptual Land Use Plan and incorporate it into a Comprehensive Plan.*

- Integrate and update the analysis sections of the 1976 Plan. ~~accepting most of the physical analysis as unchanged.~~
- ~~Produce a~~ *Update the present land use map to show existing geographical structure of development in the county.*
- ~~Pursue the present land use and roads planning process to conclusion, including definitive implementation actions.~~ *Integrate road and transportation considerations into the land use plan.*
- *Integrate and possibly expand the following land use concepts in any land use plan update:*
 - *Suburbanizing Land Use – high to medium density development – mainly residential – commercial by special exception along major roads, allowing also home and family occupations – part of area expected to be annexed by cities as high density growth occurs – needs amendment of map to be consistent with 1101 Growth Plan.*
 - *Rural 1 Land Use – medium to low density development (1.5 units per acre or less) – mainly residential – limited commercial by special exception along major roads, allowing also home and family occupations – not expected to be subject to annexation by cities – needs amendment of map to be consistent with 1101 Growth Plan.*
 - *Rural 2 Land Use – low density development (0.33 units per acre, average 3 acres per dwelling unit) – limited commercial by special exception, mainly tourism and recreation, allowing also home and family occupations – applies mainly to mountain areas with inherent constraints to development.*
 - *Special consideration of land use issues as follows: flood plain areas; the Great Smoky Mountains National Park as a national and regional tourism area; McGhee-Tyson Airport and related uses as a regional transportation resource; areas around the McGhee-Tyson airport with issues of noise and flight path safety and security; allowing mixed use; allowing cluster development; signs and communication towers; allowing manufactured home parks and multi-family developments.*
- *Include as part of land use plan update consideration of the following:*
 - *Open space standards and required dedication of open space in new developments.*
 - *Intergovernmental agreements to encourage compact development through zoning and collaborative funding of sewer extensions.*
 - *Concentration of commercial land uses at key intersections and designated development nodes.*
 - *Traditional town centers and village and hamlet designs.*

- *Planned mix of residential and commercial uses.*
- *Encouragement of urban development concentration, and discouragement of rural development dispersion.*
- *Air quality impacts of development patterns and designs.*
- *Water quality impacts of development patterns and designs.*
- *Provision of pedestrian and bicycle linkages within developments, and between residential and commercial areas.*
- *Preservation of tree cover.*

(NOTE: Implementation strategies 2, 3, 4, and 5 following were reviewed and found to be adequately incorporated into regulations and/or other strategies in the Policies Plan, and thus will be deleted.)

~~**2A Implementation Strategy (2). The County should develop a zoning plan that recognizes the need for mixed uses and emphasizes an open and public process of setting zones and rezoning if needed.**~~

~~**Implementation: Formulation and adoption of a zoning ordinance within an open process with provision for public review and input. Explicit provision for notification of neighboring property owners of any rezoning requests.**~~

~~**2A Implementation Strategy (3). A mechanism for relief for undue impact on property values should accompany any regulation of land use.**~~

~~**Implementation: As part of any land use regulations, establish a grievance, review and relief or variance process for property owners whose land value is substantially affected by county regulation of land use.**~~

~~**2A Implementation Strategy (4). Existing uses and structures should be treated fairly if any land use regulations are adopted.**~~

~~**Implementation: In a land use regulation situation where a use or structure is made non-conforming, the non-conforming use or structure should be allowed to continue in its present state unhindered. A non-conforming use should be allowed to reestablish to the same use, or a similar use of less local impact, after vacating up to a reasonable maximum time. In a situation where the structure housing the non-conforming use is totally destroyed, the use is not considered to be discontinued, but rebuilding of structure should conform to any applicable regulations. Applicable state statutes exempting commercial, industrial and agricultural structures and uses from regulation shall apply.**~~

~~**2A Implementation Strategy (5). Manufactured homes are an acceptable housing type, but should be regulated when designed in multi-unit developments (parks), or at densities greater than two units per acre.**~~

~~Implementation: Adopt regulations addressing density of development consistent with present subdivided development densities. Manufactured home parks should be required to design for buffering from surrounding uses, minimum paved internal streets at least 16 feet wide, safe access to public roads, drainage, off street parking, common open space, and provision for fire and emergency service, and garbage service. Location of higher density developments should be limited to areas with adequate provision of utilities and services.~~

2A Implementation Strategy (6). Multifamily and manufactured home residential are ~~is~~ an acceptable housing types, but should be regulated for consistency with overall residential development design and density characteristics in the county.

- ~~■ Adopt regulations addressing density of development.~~
- Multi-family and manufactured home park developments should be required to design for buffering from surrounding uses, minimum paved internal streets at least ~~16~~ 18 feet wide, safe access to public roads, drainage, off street parking, common open space, and provision for fire and emergency service, and garbage service.
- Location of higher density developments should be limited to areas with adequate provision of utilities and services.

2A Implementation Strategy (7). Higher density development should be limited to the cities or near to the cities along major arterial and collector status roads with sewer. Lower density development should be encouraged farther from the cities, and especially in situations where there is no sewer and limited road capacity.

- Regulate density of development, with different regulations for areas close to the cities and areas farther away from the cities, and with different regulations for areas adequately served by high capacity infrastructure (especially sewer) and areas not adequately served by infrastructure (especially rural roads).
- Commercial development should be allowed throughout the county with performance standards when adjoining residential areas.
- *Concentrate commercial zoning at key intersections and designated development nodes.*
- *Establish intergovernmental agreements to encourage compact development through zoning and collaborative funding of sewer extensions.*

2A Implementation Strategy (8). Encourage developers to build with innovative designs, allowing mixed uses, and providing for pedestrian friendly, esthetically pleasing, and livable neighborhoods.

- Review Subdivision Regulations and any land use regulations to encourage and require such design of new developments.
- *Adopt regulations that would:*
 - *Require retention of natural cover and minimize land disturbance during construction.*

- *Address design, appearance and relationship of buildings, parking areas, signs, pedestrian paths, landscaping and other aspects of the visual and functional environment.*
- *Specify design guidelines for village and hamlet developments and traditional town centers.*
- *Allow mixed commercial and residential uses.*
- *Reduce visual clutter of signs.*
- *Require open space, sidewalks and/or pedestrian/bicycle pathways.*
- *Preserve tree cover and integrate landscape trees.*

4. Guiding Policy - County roads should be improved and maintained to a level consistent with present development and expected future development.

4A. Objective Policy – The county should make plans to widen existing roads with substantial development and traffic to at least 18 feet of paved width *and adequate shoulders.*

4B. Objective Policy – As traffic warrants, the county should make plans to widen existing major roads (arterial and collector roads) to greater than 18 feet of paved width to accommodate present and projected traffic.

4A & B Implementation Strategy (1). To improve roadways functionally and structurally so that they meet today’s traffic needs.

- ~~Conduct a formal objective study of road capacity and constraints, for roads segments and intersections, and for present traffic with expected growth.~~ *Update the “Blount County Roadway Needs Study” as necessary, about every five years.*
- ~~Formulate a prioritized capital improvements budget for roads. Funding from existing gasoline taxes and shared revenues (with effort to change sharing formula at state level), with possible new sources from local wheel tax and property tax.~~
- *Focus immediately on Morganton Road, Old Niles Ferry Road, and Ellejoy Road upgrades as highest priority road improvements identified by the Highway Superintendent.*
- *Update the Major Road Plan, and update the Plan with each update of the “Blount County Roadway Needs Study.”*

4A & B Implementation Strategy (2). ~~To~~ Insure that roadways and intersections can handle traffic that is generated from all types of development.

- ~~Adopt a~~ *Maintain a minimum standard of 18 feet of paved road width with two foot shoulders as a condition precedent for major developments. high or moderate density or intensity of development, if the right of way exists or can be obtained.*
- ~~Adopt a minimum standard of 16 feet of paved road width as condition precedent for low density or intensity of development and for minor subdivision plats, if the right of way exists or can be obtained.~~

- Require a formal traffic impact study for subdivisions or other developments that would generate at full development ~~1000~~ 500 or more trips per day (approximately ~~100~~ 50 lots in a subdivision).
- ~~Require as a design standard that developments provide adequate sight distance at all directly accessed intersections of public or private roads (including driveway entrances serving more than one house or serving any commercial establishment).~~

~~**4A & B Implementation Strategy (3). Encourage more appropriate siting of utility structures in relation to private driveways and in relation to sight distances at public road intersections.**~~

- ~~General oversight by the County Executive to inform utilities of concerns and public complaints.~~

4A & B Implementation Strategy (4). Encourage development of alternative transportation modes.

- Study and support alternative modes of transportation such as mass transit busses, demand responsive vans, and bicycle routes.
- *Identify areas that can be serviced by mass transit.*
- *Adopt subdivision regulations to allow sidewalks and/or pedestrian pathways that would be interconnected with each other and the road system.*
- *Prepare a plan for bikeways and trails linked to the road system.*
- A committee should be formed to address this activity.

4C. Objective Policy (new) – Prepare for future increases in traffic demands as the County grows.

4C Implementation Strategy (1). *Build arterial and collector road segments that will create a circumferential systems, and collaborate with Maryville and Alcoa on this. Utilize Blount County Growth Strategy Technical Memorandum #9 for proposed circumferential system.*

4C Implementation Strategy (2). *Utilize “Blount County Roadway Needs Study” (2004 update), and the Transportation Planning Organization Long Range Transportation Plan to identify future priority roads.*

4C Implementation Strategy (3). *Integrate and link air quality considerations, land use and transportation components in any future comprehensive plans.*

Blount County Building Commissioner

Attention: Mr. Roger Fields

Regarding: The BZA request to the Commission about adding a definition of Agritainment to the county zoning regulations.

Mr. Fields, you may want to have Mr. Goddard look at this request before it is submitted to the Planning Commission.

Attached is a copy of my question to CTAS and the reply that I received from them for his review. Mr. Goddard may not come to the same conclusion that I did, thinking that CTAS agreed with me, that Section 2.1 of our regulations and TCA 13-7-114 only exclude agricultural uses and structures from these regulations. Along with my opinion that the information contained within the University of Tennessee web site indicates that local zoning policies should be adhered to for agritainment uses. (see attached copy on the letter of request to the county commissioners)

If Mr. Goddard finds this information does not exclude any other use, other than agricultural use and structures, from the county zoning regulations then it would not be necessary to submit the request for a definition of “Agritainment” to be added to our current regulations.

**Thank You
Larry Campbell**

TO John

Question I sent to a County Technical Advisory Service :

Do local county zoning regulations apply to any other activities or events that are held on agricultural land; such as music concerts, & fairs?

CODE:

Our local county regulations state the following:

Article 2. EXEMPTIONS, EXCLUSIONS AND EXCEPTIONS.

Section 2.1. Agricultural Uses and Structures. Agricultural uses and structures shall not be subject to the regulations and provisions of this Resolution as provided in Tennessee Code Annotated, Section 13-7-114.

And TCA 13-7-114 states the following:

13-7-114. Construction — Building permits — Agricultural use of land.

This part shall not be construed as authorizing the requirement of building permits nor providing for any regulation of the erection, construction, or reconstruction of any building or other structure on lands now devoted to agricultural uses or which may hereafter be used for agricultural purposes, except on agricultural lands adjacent or in proximity to state federal-aid highways, public airports or public parks; provided, that such building or structure is incidental to the agricultural enterprise. Nor shall this chapter be construed as limiting or affecting in any way or controlling the agricultural uses of land

HISTORY:

It was my opinion that these two sections indicate that local regulations do not apply to agricultural uses or structures, but that these regulations did not exempt any other type of use that would be held upon this property. Therefore I am of the opinion that since concerts and fairs were not listed as an accepted use, or as a use that could be approved as a special exception in the district where this land was located that the uses should be prohibited. Especially with the following wording found within this district,

“Uses Prohibited: In the R-1 - Rural District 1, all uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals, and adult oriented establishments as defined in TCA 7-51-1101 et seq..”

CTAS REPLY:

I think Larry's history looks correct; however, I'm not an attorney. In situations like these our attorneys have requested that these request of opinion be first passed to the county attorney and if the county attorney needs assists then they can request our attorneys' opinions.

Ron Woody
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Attention County Commission

Regarding: Definition of Agritainment

In an effort to bring clarity to direct the actions of the Board of Zoning and Appeals, please address adding a definition of Agritainment and the uses that should be allowed under this definition on all agricultural land in the county, to the Blount County Zoning Regulations.

- First if we look at the current definition of “Agriculture” in our current regulations and the Tennessee Code.
- You will note that both of these definitions describe this as growing crops and raising livestock.

But you will also note in the Tennessee Code 43-1-113 –C, that it includes recreational activities, but it does not include any list for these activities. Therefore we need to address what type of activities should be allowed on the agriculture land within the county.

1.) In an effort to define these activities we looked up Agritainment on the University of Tennessee web site, (www.utextension.utk.edu/publications), and we found the following list of examples:

Example Entertainment Farming Activities

A person’s imagination may be the only limit to the activities that can be incorporated into an entertainment farming operation. Below is a list of only a few such activities.

farm tours	playgrounds	pumpkin painting
story telling	orchard tours	learning about farm machinery
Halloween party /festival	hay tunnel	bed & breakfasts
Wineries	face painting	petting zoos
fee hunting	fee fishing	horseback riding
farm vacations	pumpkin hunt	pick-your-own operations
camping	haunted hayrides	craft shops
country stores	farm animal zoos	corporate picnics
roadside stands	farm museums	nature trails
private parties	concession stands	antique displays
picnic areas	children’s camps	

Again you will notice that the above list only includes activities that are directly related to the crops or livestock and try to educate the public about these two main activities pertaining to agricultural uses of the land.

Please also note the following found within the information of this web site:

Regulations

Zoning: County planning officers or county executives should be contacted for an official statement on the status of county zoning policies.

You will also notice the above list of examples do not include any type of music concerts, carnival rides, ATV, or motorcycle activities, turkey shoots, or etc. Therefore we are asking the county commission to address adding a definition of “Agritainment” along with a definition of what type of recreational activities should be allowed **on all agriculture land within the county.**

Please see the attached reference material:

- Article 13 definition of agriculture from Blount County Zoning Regulation.
- Tennessee Code 43-1-113 definition of agriculture
- **Considering Agritainment Enterprise an in Tennessee, from the University of Tennessee web site.**

Thank you
The members of the Board of Zoning Appeals.

Rob Walker - (Chairman)
Stan Headrick
Harold Brown
Gordon Wright
Larry Campbell
Jim Melton – (Alternate)

Our current Blount County Zoning Regulations in Article 13 Define

AGRICULTURE: This includes all forms of agriculture, growing of crops, dairying, the raising and maintaining of poultry and other livestock, horticulture, forestry, fish hatcheries and ponds, dog kennels and other small animal specialty farms, provided all health codes of Blount County and the State of Tennessee are complied with.

The Tennessee code 43-1-113. Definition of agriculture. —

a) The definition of agriculture as set forth in subsection (b) shall be applicable to the term wherever it appears in the code, unless a different definition is specifically made applicable to the part, chapter, or section in which the term appears.

(b) (1) “Agriculture” means:

(A) The land, buildings and machinery used in the commercial production of farm products and nursery stock;

(B) The activity carried on in connection with the commercial production of farm products and nursery stock; and

(C) Recreational and educational activities on land used for the commercial production of farm products and nursery stock.

(2) As used in this definition of agriculture, the term “farm products” means forage and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; forestry products; fish and other aquatic animals used for food; bees; equine; and all other plants and animals that produce food, feed, fiber or fur.

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Considering Agritainment Enterprise an in Tennessee?

Table of Contents

Introduction 3

Difference in Agritourism and Entertainment Farming 4

Difference in Agritourism and Entertainment Farming:

Entertainment farming and agritourism activities offer opportunities for on-site farm visits, the chance to talk with farm personnel and the opportunity to observe and understand modern farm methods. Farm tours and activities offer access to working family farms, educational tours, photo opportunities, take-home products, farm meals and friendly and informative workers.

Entertainment farming activities offer a chance to turn a working farm into an adventure for others, as well as to diversify a business and to increase income. A farm operation can attract a diverse consumer base by offering the public something unique.

The terms agritourism and entertainment farming are often used interchangeably. In a general sense, both types of operations seek customers who are interested in a farm experience of some sort. A primary distinction in the two terms is most likely the intended customer. Agritourism customers tend to be thought of as out-of-town tourists, while entertainment farming activities often target local customers (school tours, youth groups, senior citizen clubs, etc.). The term agritourism emerged during the 1990s to describe anything that relies or builds on the relationship between farming and tourism. **Similarly, entertainment farming activities are enterprises operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products.** Agritainment activities may be week-end only, weekday only, seasonal, full-time, primary or supplemental farm enterprises. The term agritainment is often coined to represent the overall industry that encompasses agritourism and entertainment farming. For the purposes of this publication, the terms agritainment, agritourism and entertainment farming will be used interchangeably.

The term customer will be used to describe both local and out-of-town clients at these types of operations. The term product will be used to encompass a wide variety of goods, services and activities available on an agritainment farm. **An agritainment product may be a hayride, nature trails, pumpkin, jams and jellies or a fee hunting.**

Example Entertainment Farming Activities

A person's imagination may be the only limit to the activities that can be incorporated into an entertainment farming operation. Below is a list of only a few such activities.

farm tours	playgrounds	pumpkin painting
story telling	orchard tours	learning about farm machinery
Halloween party /festival	hay tunnel	bed & breakfasts
Wineries	face painting	petting zoos
fee hunting	fee fishing	horseback riding
farm vacations	pumpkin hunt	pick-your-own operations
camping	haunted hayrides	craft shops
country stores	farm animal zoos	corporate picnics
roadside stands	farm museums	nature trails
private parties	concession stands	antique displays

Regulations

Zoning: County planning officers or county executives should be contacted for an official statement on the status of county zoning policies.

Taxes

Sales tax:

The Tennessee sales and use tax is a consumer-oriented tax imposed on the retail sale of tangible personal property and many forms of services. As long as a guide is provided on the farm, no tax will be charged for the “service” of a farm tour. **However, if a pumpkin (or other product) is given as part of the admission fee, and if the pumpkin was not raised by the farmer, the farmer will have to pay use tax on the value of the pumpkin, but the farmer cannot charge the use tax to the customer on the admission fee.** The use tax is the same rate or percentage as the sales tax, but it must be paid by the farmer for “using” the pumpkin as a part of the admission price. These rules and regulations should be clarified by the Tennessee Department of Revenue Office in Nashville.

Income taxes:¹⁷ Most all agritainment enterprises should have a federal taxpayer identification number (also called an Employer Identification Number (EIN) Form SS-4) so the Internal Revenue Service can process your returns. Most sole proprietors can use their Social Security number. Other tax issues to be considered include income taxes, self-employment tax, employment taxes, excise taxes and depositing taxes.

Summary

With a diverse agricultural industry and strong entertainment and tourism industries, Tennessee has many opportunities for agritainment enterprises. From seasonal pumpkin patches and orchard tours to pick-your-own produce and hayrides, Tennessee farmers have many agritainment options to consider. However, agritainment enterprises are rarely “build it and they will come” successes. Agritainment enterprises require significant consideration and planning. Regulations, publicity, labor and scheduling must be evaluated. Start-up costs can be expensive and the volume of customers needed to break-even is often staggering. However, agritainment enterprises can provide farm families with additional revenues and opportunities to promote a farm atmosphere to an ever-changing public.
