

Proposed Regulations for “Visually Subordinate” Ridge-top and Hillside Development

(first draft 6-12-08)

Introduction: Protection of community character is important in Blount County. This has been confirmed as a priority in several citizen input processes and adopted plans. The views of ridge-tops and hillsides in the County are an important part of community character. This community character also is an important component of the tourism economy of the County. To protect the views of ridge-top and hillsides, regulations to insure “visually subordinate” development are proposed.

In October 2007, during review and revision of the Blount County Policies Plan, the Planning Commission singled-out protection of ridge-tops and hillsides as a high priority task worthy of immediate attention. After preliminary discussions in November and December of 2007, the Planning Commission appointed an ad-hoc committee in January 2008 to further study the issues and propose regulations. The ad-hoc committee met from February to June 2008, and the Planning Commission followed progress at regular monthly meetings. The result of the ad-hoc committee meetings is this proposal.

The remainder of this proposal is divided into seven parts. The first four parts provide an important underpinning for the proposed regulations.

- First is a definition of what is meant by ridge-tops and hillsides (p.2).
- Second is review of County plans to highlight the basis for focusing on development issues of ridge-tops and hillsides, particularly aesthetic issues (p.2).
- Third is a discussion of aesthetics as a valid basis for regulations (p.7).
- Fourth is an overview of the Sevier County “Preferred Directions Report” and other resources, which were utilized as guides to develop proposed regulations (p.8).
- Fifth are the proposed ridge-top and hillside regulations, which are divided into zoning and subdivision regulation components (p.14).
- Sixth is discussion of administrative considerations, including additional consideration of “Scenic Landscape Resources of Significance” (p.21).
- Seventh is resources on the internet relevant to this proposal (p.23)

Definitions of Ridge-tops and Hillsides. A ridge-top or ridgeline is the highest point or line of a mountain. A ridge-top is formed by the meeting of at least two hillside planes sloping up from a valley floor. The term “ridge-top” has been commonly used as synonymous with “ridgeline” in past discussions in the Planning Commission. The more precise term “ridgeline” better labels the view of a mountain range in perspective from lower lying land. However, the term “ridge-top” will be used in this proposal in deference to common usage, and should be understood as encompassing the term “ridgeline”.

Hillsides are those areas of mountain terrain that slope down from a ridge-top, and end in a valley floor. The ridge-top and hillside of a mountain define the view of a mountain from perspectives at a distance from the mountain.

Basis in County Plans. The Blount County Land Use Plan: A Plan for Mountain Areas, adopted by the Planning Commission in 1998, provides insight into the importance of ridge-tops and hillsides in defining the character of the County. Based on citizen input from about 450 participants in community meetings, the Mountain Area Plan found the following prospective policies with high agreement:

The rural, small town and natural character of the county should be preserved.

Agree: 86% Disagree: 6% Other: 8%

New development should be designed to fit into the rural character of the county.

Agree: 80% Disagree: 13% Other: 7%

Our beautiful and scenic environment should be protected, including commonly shared viewscapes, ridgetops, lake shores, and river banks.

Agree: 85% Disagree: 9% Other: 6%

The Plan found that “Mountains are one of the greatest assets in Blount County. This was shown to be of great importance in the citizen input

results.“ The Plan focused in part on the physical constraints to development in mountain areas, but also “**Aesthetics:** important views; desired components of viewsapes.” The Plan went on to identify the prominence of mountains in two characteristics:

First is topography, or the elevation of the land. It is obvious from USGS topographic maps that certain parts of the county from Chilhowee Mountain range to the Great Smoky Mountains National Park reach elevations in excess of 2,000 feet which set these areas apart as different from the lower elevated land toward Maryville and Alcoa. Second is land form, which is directly related to topographic elevation but also considers the characteristic prominence of elevation from surrounding context. Again, there is a dramatic change in land form from the lowland hills and valleys to the prominent mountains of the Chilhowee Mountain range and other mountains into the Great Smoky Mountains National Park.

The Mountain Area Plan further found a connection between the characteristics of mountains and aesthetic concerns:

Aesthetics. The Chilhowee Mountain range provides a very important component of the mountain viewscape for most lowland development in the county. Chilhowee Mountain and other mountains in the county provide a very important viewscape not only for residents in the coves and hollows of the mountains, but also for the tourist industry in the county. Natural and uninterrupted ridgetops and uninterrupted steep side slopes of mountains are an especially important component of county viewsapes.

Based on citizen input from about 450 participants in community meetings, the Plan identified the following prospective implementation strategy with high agreement:

Ridgetop Development Ordinance	Yes: 65%	No: 17%	Other: 18%
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The Plan concluded that “...specific regulations of ridgetop development showed strong acceptance for inclusion in the county plan. This provides a more specific indication of viability and acceptability of measures directed to mountain development.”

The purpose of the Plan for Mountain Areas was the following:

In accordance with state statutes (TCA 13-3-302), this plan is made with the general purpose of guiding and accomplishing coordinated, adjusted, efficient and economic development of mountain areas within the county region which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, and welfare of present and future inhabitants of the county, as well as efficiency and economy in the process of development, including among other things, such distribution of population and of the uses of land for urbanization, trade, industry, habitation, recreation, agriculture, forestry and other uses as will tend to create conditions favorable to transportation, health, safety, civic activities and educational and cultural opportunities, reduce the wastes of financial and human resources which result from either excessive congestion or excessive scattering of population, and tend toward an efficient and economic utilization, conservation and production of the supply of food, water, minerals, drainage, sanitary and other facilities and resources.

The Plan found the following (underline added for emphasis):

This plan finds that mountain areas in Blount County pose several issues for land development and use. Mountain areas are characterized by highly sloping land, hazardous geology, and thin soils generally unsuitable for development. Development on highly sloping land of greater than 15 % slope creates several potential impacts on health, safety and welfare including limited existing road capacity serving mountain areas, steep road grades and difficult road geometrics, difficulties with constructing viable septic fields, increased potential for soil erosion, increased potential for regional ground and surface water pollution and flooding, increased potential for landslides and shifting of residential and other structures, limited availability of potable water for human consumption, limited availability of water for fire protection, limited access for fire protection services, increased public expense for provision of public services such as school buses, road maintenance and snow removal, degradation or destruction of wildlife habitat, degradation or

destruction of important regional viewscales, and disruption of functional openspace.

Based on direct citizen input and consideration of a desirable future for Blount County, the Mountain Area Plan adopted the following general policies relevant to discussions of ridge-top and hillside development:

The rural and natural character of mountain area in the county should be preserved.

New development should be designed to fit into the rural character of the mountain area.

Our beautiful and scenic environment should be protected, including commonly shared mountain area viewscales and ridgetops.

The health, safety, and welfare of present and future inhabitants in the mountain area, and those inhabitants in the rest of the county which may be affected by activities in the mountains, should be preserved and protected.

Based on direct citizen input, based on the importance of mountain areas in defining community character and quality of life in Blount County, and based on findings in relation to issues of health, safety and welfare, the plan included the following specific policies relevant to discussions of ridge-top and hillside development:

Land use and development in the mountain area should be managed and regulated in order to preserve the quality of our growing county.

Zoning and other land development regulations should be formulated and adopted specific to the mountain area.

Development on mountains and ridgetops should be regulated to protect sensitive areas of slope and viewscales in the mountain area.

Billboards, signs, towers, and other structures in the mountain area which could impact the views of the county should be regulated.

The Blount County Policies Plan, adopted in 1999 by the Planning Commission, provides added support for the importance of ridge-tops and hillsides in defining community character in the County. The following are selected statements of policy and implementation from the Policies Plan related to ridge-top and hillside development:

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

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

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

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

Guiding Policy 2: Land use and development should be managed and regulated in order to preserve the quality of our growing county.

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

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

Implementation: Incorporate the above into county regulations and guidelines for development.

The County adopted zoning regulations in 2000. The regulations included a separate R-2-Rural District 2 zone for mountain areas from Chilhowee Mountain into mountains bordering the Great Smoky Mountains National

Park. The R-2 zone, along with provisions in the Subdivision Regulations, addressed the physical and land use issues of mountain developments, but not the visual or aesthetic issues.

Aesthetics and Regulations. In the discussions leading to this proposal, some in the community raised concern that aesthetics was not an appropriate basis for regulations. This was also a concern back in 1997 to 1999 as the Mountain Area Plan and the Policies Plan were being developed, and particularly as the County zoning regulations were developed and adopted in 2000.

Planning staff in March 8, 1999 prepared a memo to the Planning Commission that referenced a July 6, 1981 Tennessee Supreme Court case (State of Tennessee v Elmer Smith, Jr.) in which the Court determined that aesthetic concerns could be a valid basis for use of the police power in regulations. The Court found that "... in modern society, aesthetic considerations may well constitute legitimate basis for exercise of police power, depending on facts and circumstances." The Court also referenced several cases from the U.S. Supreme Court and Courts of other states that found similarly that regulations based on aesthetics were valid "... even if scenic or aesthetic considerations have been found to be the only basis for their enactment." In particular, the Court cited Penn. Central Co. v. New York City noting that "...land use restrictions may be enacted 'to enhance the quality of life by preserving the character and desirable aesthetic features of a city'", and Berman v. Parker noting that the "...legislature may determine that a 'community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled'."

The 1999 staff memo ended with the following:

Based on the 1981 Court finding, staff advises that esthetic considerations may be a valid consideration in discussions of land use regulations, but at the same time, there should be a clear relationship between the esthetic consideration and the protection of public health, safety and welfare.

The link between a regulation and the public health, safety and welfare is often found by reference to plans for a community. The previous section of this proposal establishes that link for protecting scenic views in two adopted

plans, the Plan for Mountain Areas and the Policies Plan. In addition, other studies were reviewed (see below) which found a clear relationship between aesthetic considerations of scenic views and protection of public welfare. As discussions on this proposal progressed, the Planning Commission received a letter from Herb Handley, Executive Vice President for Tourism of the Chamber of Commerce, emphasizing the important link between protecting scenic view and sustaining the local tourism economy.

Basis in Other Studies: Blount County is not the only area addressing issues of mountain development, and protecting community character defined in part by the visual quality of ridge-tops and hillsides. Used in developing the Plan for Mountain Areas, Robert B. Olshansky's Planning for Hillside Development (American Planning Association PAS report no. 466, November 1996) notes the following:

Hills are highly visible from surrounding areas. Therefore, whatever is done to them becomes known to a side surrounding community. Aesthetic reasons were the most common stated purpose in the documents we selected (explicitly identified by 75 percent of the jurisdictions). The most frequent aesthetic issue has to do with the desire of neighbors, both near and distant, to not see new hillside construction. ...

Distant neighbors may object to changes in the topographic appearance, upsetting the natural shape of the hill. This concern is most frequently manifested as prohibitions against building on ridgelines...

Citizens may also object to upsetting the natural qualities and vegetation patterns of the natural hillside. Regulations to address this might be as simple as limitations on vegetation removal, or they might involve more complex design issues, such as limits on building bulk, shape, height, or color. Revegetation requirements can, in the long run, result in a natural appearance that masks the harsh outlines of new structures. ...

Hillsides also have more general aesthetic values to many communities. They create a sense of spatial enclosure as they define the boundaries of the urbanized area. They shape a community's

sense of place. They also contribute to a community's sense of identity; the hills form a cherished part of the landscape, a permanent visual presence that exemplifies what is unique about the community. (p.14)

Christopher J. Duerksen and R. Matthew Goebel in Aesthetics, Community, and the Law (American Planning Association PAS report no. 489/490 December 1999) note the following:

Closely related to the hillside development ordinances are those ordinances limiting ridgeline development. Development atop ridgelines often may be seen from numerous locations throughout the community, and thus may even more dramatically infringe on special views than hillside development. (p.50)

Increasingly, view protection is seen as an important aspect of rural preservation programs. Also, planners and legal experts are developing new tools, techniques, and programs at a rapid pace to assist communities in their efforts to identify and protect important scenic resources. ...

Jurisdictions are incorporating additional protections into their local development codes to protect features that contribute to rural character, such as undeveloped rolling hills, historic farmsteads, and other scenic features. Increasingly, the public is coming to believe that the protection important viewsheds and view corridors is a necessary component of efforts to protect and enhance rural and small-town character. (pp.57-58)

Duerkesn and Goebel also note that there are a range of tools available to address issues of scenic resources, including zoning, subdivision regulations, and non-regulatory means such as government land acquisition and purchase of development rights, and cluster development.

Close to home, our neighbor Sevier County studied options for addressing issues of ridge-top and hillside development for situations very similar to those found in Blount County. Relevant portions of the "Preferred Directions Report" are summarized below. The Sevier County report and other resources used in developing this proposal are listed in the reference section on page 23.

The Sevier County “Preferred Directions Study” found the following relevant to visibility and natural aesthetics:

Hillsides are by their nature highly visible. Steep slopes exaggerate building features and ensure their visibility from farther distances. Ground disturbances, road cuts, and tree cutting that accompany building construction are also highly visible. The natural aesthetics of hillsides are formed by the natural patterns of continuous vegetation, rocky outcrops, and the contours of ravines and ridgelines. Development designed with sensitivity to the landscape can help ensure that the desired natural look of hillsides and ridges are preserved. Techniques and materials to lessen visual impacts are readily available to the design and building trades. (p.8)

The Sevier County study focused on measures that could avoid or mitigate adverse visual impacts of ridge-top and hillside development. The goals and vision that guided recommendations in the study were the following:

to preserve significant vistas;
prevent severe environmental and aesthetic degradation;
maintain appealing community image for visitors and residents; and
accommodate continued economic and residential growth. (p.2)

The study also identified five guiding principles:

1. No project shall result in undue adverse impact on the region’s significant and unique natural and scenic resources;
2. Any approved project shall mitigate adverse impacts to the maximum extent practicable;
3. “Visually subordinate” shall be the standard for assessing visual impacts of proposed development within scenic regions;
4. Density shall decrease as slopes increase; and
5. Project approval shall take into consideration both positive and negative impacts. (p. 11)

There are three terms or phrases from the five guiding principles that are very important to present consideration of proposed regulations for ridge-top and hillside development. First is “undue adverse impact”, and the study noted the following:

The goal is not to prevent all impacts from development – impacts are unavoidable. The key word is “undue,” meaning unwarranted, unjustified, inappropriate, or excessive by reason of the conditions inherent in steep slopes. During design and review of the project, the goal is to ensure that the applicant, the Planning Commission, and the public at large have taken a “hard look” at likely negative impacts and their causes. Only after such an examination is it feasible to identify the best response and mitigation techniques. (p. 11)

The second important phrase is “maximum extent practicable”, and the study noted the following:

The standard, rather than prescribe specific practices, prescribes a way to assess the applicant’s response to the project’s impacts. ... The key word is “practicable” (*not practical*), meaning what is able to be practiced. ... Furthermore, this standard does not suppose that all adverse impacts will be avoided. However, it presumes that if adverse impacts cannot be avoided, they can be significantly minimized. (p.11)

The third important phrase is “visually subordinate,” and the study noted the following, which is very applicable also to Blount County:

By luck of geology and climate, the communities of Sevier County are blessed with astounding natural beauty and profound sense of place. It speaks for itself that this natural beauty is the basis for a thriving local tourism economy that is second to none in the State of Tennessee. Human development within this natural landscape can either complement or harm this beauty, and by extension the local economy. The standard of “visually subordinate” is designed to encourage development that complements the natural landscape. There are techniques and tools easily available that make the standard practical and recommended. Conserving the natural landscape will ensure the continued authenticity of local tourism economy for this and future generations of Sevier County citizens. (pp.11-12)

In more everyday terms, the study explains “visually subordinate” as follows:

... the complete screening of new development is not the goal of these recommendations. The recommendations propose a standard for measuring how visible new development may be. This standard is called “Visually Subordinate.” ... visually subordinate means that new buildings and roads shall not be the defining feature of a hillside. Development should not be the most memorable feature of hillsides and mountains. Visually subordinate means that if someone tried, they could pick out individual buildings on a hillside. However, the buildings would not be the first things a person would see. (p. xi)

The first step the Sevier County study recommended is to identify the aesthetic and scenic resources to be protected. The study called the resources “Scenic Landscape Resources of Significance” or SLRS. These SLRS could be “...specific publicly accessible places from which the views of these hillsides and ridges are enjoyed ... (such as) ... scenic highways, walking trails, scenic lookouts, parks, historic sites and buildings, canoe and kayak routes.” (p.12) In tandem with the identification of SLRS, the study recommended identification of “... a specific elevation above which development should be regulated.” (p.13) The study goes on to recommend, “to tie these two factors together ... development review measures should be instituted for proposed development that is located above the identified elevation and potentially visible from a SLRS.” (p.13)

The Sevier County study identified standards of design and construction for minimizing adverse visual impacts, and adverse impacts on the environment and public resources of concern. The focus of this proposal is visual impact, and the Sevier County Study identified several avenues for mitigation, including the following: limitation on vegetation removal; standards for site clearing and construction for roadways and utilities, perimeter buffer area, and building envelop; standards for additional clearing for views and necessary construction; and other measures to mitigate visual impact, including professional design and siting, screening, relocation, camouflage, low profile, downsizing, specific maintenance requirements, decommissioning of existing buildings, setdowns from ridgelines, stepping of buildings into side of hills, contoured and terraced retaining walls, contour landscaping, greater setbacks, limitation on signage, construction of

roads and driveways with natural topography, restrictions on lighting, limitations on color of buildings, avoidance of uniform and blank massing or surfaces, use of reduced reflectivity materials, breaking of rooflines and planes of a building, and limitation of building height. (pp. 16-22)

The Sevier County study recommends a two step administrative permit process. The first step is a findings statement, and the second step is a demonstration, in design of the project, of no undue adverse impact.

The first step is divided into a preliminary scoping meeting, and a formal findings statement. The preliminary scoping meeting provides opportunity for applicant and staff to review plans for likely impacts, and to assess if there is a threshold of impact that would need to be addressed in project designs. The findings statement would "... enumerate any reasonably anticipated negative impacts created by the project on SLRS ... and will be prepared for any application proposing a subdivision of land or new development." (p.29) The study further notes:

It is of legal importance for the applicant that the findings statement not be arbitrary or hopelessly vague. Since the applicant will be asked to mitigate or avoid the adverse impacts identified in the findings statement, the applicant will need to know and understand the impact created, the cause for the impact, and the scope of the impact. These three pieces of information (type, cause and scope) will allow the applicant to formulate and design a response that is appropriate to the scope of the impact. If no adverse impacts to resources of concern are identified, the findings statement will indicate such.

... Adverse impacts are to be identified only whereby the health, safety and welfare of the public is promoted and the purpose and intent of any ordinances adopted pursuant to this report are realized. It is envisioned that the findings statement will be concise and of sufficient detail to assist the applicant in mitigating adverse impact. Detailed quantitative analysis will not be required, but may be provided where necessary. The applicant will not be expected to respond to findings within the findings statement that are arbitrary or vague. (pp.29-30)

The second step of demonstration of no undue impact follows the findings statement, and addresses mitigation measures. The Sevier County study notes:

If the findings statement identified adverse impacts, then the applicant must mitigate such impacts to the maximum extent practicable (MEP). Any impact not mitigated to the maximum extent practicable is to be considered an “undue adverse impacts.”

The goal of the MEP standard is not to eliminate all adverse impacts, which is ideal. Rather, it requires the applicant to examine the full range of proven and advanced techniques available to them, and then identify from those choices, which works best within their project. As such, the standard provides flexibility to the applicant and strives to realize honest mitigation. (p. 30)

The role of the demonstration of no undue impacts is very important in approving or disapproving a permit for a subdivision or development. “In the event of an undue adverse impact, the applicant may elect to amend the project appropriately or the Planning Commission shall reject the application until the applicant has demonstrated no undue adverse impact.” (p. 30)

Proposed Regulations. The County has two main regulatory instruments which could address ridge-top and hillside development – zoning regulations and subdivision regulations. The zoning regulations already identify mountainous areas as a separate zone – R-2-Rural District 2. The proposed ridge-top and hillside regulations could reasonably be added to the R-2 zone without the need for a separate overlay or zone. Regulations relating to subdivision of land could reference the R-2 zone in the subdivision regulations.

Zoning Regulations: This proposal will focus only on the R-2-Rural District 2 zone of the zoning regulations. To allow full review of a development that may fall within application of regulations for ridge-tops and hillsides, a site plan is necessary. Thus the first proposed amendment to the zoning regulation would be the following:

That Section 9.3.E for the R-2-Rural District 2 be amended to read as follows:

E. Uses Requiring Site Plan Review:

1. For general site plan review, all uses permitted as special exception in sub-sections B and C above, and permitted uses in subsection A above, except one or two single family or manufactured home dwellings on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.
2. For specific ridge-top and hillside review, all uses and building sites determined visible from a Scenic Landscape Resource of Significance (SLRS) shall be subject to application of review procedure and standards in Section I below in addition to any other site plan or permit requirements.

Note that subsection E.1 above is the present requirement for site plan review, and the only net addition of uses in Section E.2 is for single family, manufactured home and duplex dwellings, with now all uses being subject to review for ridge-top and hillside development standards in a new Section I if visible from an SLRS. The new Section I would be the second proposed amendment to the zoning regulations as follows:

That a new Section 9.3.I be added for the R-2-Rural District 2 to read as follows:

- I. Visually Subordinate Ridge-Top and Hillside Development Review Procedures and Standards:
 1. a. Applicants for all buildings requiring a building permit shall first confer with the Building Commissioner to determine if the proposed building site will be visible from one or more Scenic Landscape Resource of Significance (SLRS) listed under b. below. Assessment of visibility shall assume no intervening vegetation between the SLRS and the building site. The Building Commissioner shall utilize the County GIS to assess visibility by identifying location of building site by tax map parcel, and assess visibility of the site from any SLRS by GIS sightline analysis. The applicant may further specify the actual building site by submission of latitude-longitude location certified by a surveyor, and the Building Commissioner may

utilize such location information in addition to tax map parcel location. The cost or fee for assessment of visibility through the County GIS shall be paid by the applicant directly to the County GIS.

b. Scenic Landscape Resources of Significance (SLRS) shall be the following: Sevierville Road (Hwy 411 North) from County Boundary to intersection of Davis Ford Road; East Lamar Alexander Parkway (Hwy 321) from intersection of Sims Road to intersection of Rocky Branch Road; Foothills Intermediate School along Montgomery Lane; Old Niles Ferry Road from intersection of Fairview Boulevard to intersection of Calderwood Highway (Hwy 129).

c. For any building site determined not visible from any of the above listed SLRS, no further review will be required under this section. For any building site determined visible from any of the above listed SLRS, a site plan shall be submitted to the Building Commissioner for analysis and report of a Findings Statement assessing visual impact and measures needed to achieve visually subordinate development as specified below. The Findings Statement along with the site plan shall be forwarded to the Planning Commission, and the Planning Commission will be the approval authority for the site plan under this section. This site plan process may be in addition to other required site plan review and approval requirements for a permit.

d. In considering the site plan under this section, the Planning Commission shall utilize three decision principles as follows:

- i. Completeness of site plan and Findings Report information in relation to subsections 2 thru 4 below.
- ii. No project shall result in an undue adverse impact on any SLRS, with “undue” meaning unwarranted, unjustified, inappropriate, or excessive by reason of conditions inherent in mountain areas, and the available design solutions that may be applied to the site.

- iii. No project shall be approved if the site plan fails to apply available design solutions to the site to overcome adverse impacts to the maximum extent practicable, with “practicable” meaning what is able to be practiced on the site.
2. The site plan required under this section shall be drawn by a licensed architect or landscape architect at a scale of no less than 1 inch equals 50 feet. The site plan shall include at least the following elements:
 - a. applicant’s name and address (including owner of land and owners representative if applicable), and signatures by owners or authorized representative certifying plan for review;
 - b. property boundary (survey boundary recommended), north arrow and map scale;
 - c. location map in relation to surrounding lands and roads;
 - d. written description of the proposed building and use;
 - e. list of SLRS visible from the site and direction of visibility shown by arrows;
 - f. topographic contours at no less than five foot intervals;
 - g. location of areas with average slopes greater than 30 percent and area greater than 5000 square feet;
 - h. location of existing buildings or structures on the property;
 - i. location to scale of proposed building(s) in plan view;
 - j. proposed building(s) in perspective views (elevation drawings), of those building surfaces potentially visible from an SLRS, and including proposed building exterior color schemes and building materials;
 - k. required and proposed building setbacks from property lines;
 - l. present and proposed access roads or driveways with cross sections and centerline profiles;
 - m. present and proposed utility service lines;
 - n. location of existing trees on the building site by species of diameter 6” or greater at breast height, within 200 feet of the proposed building(s) and within 100 feet of any other planned design element of the site such as roads,

- drives, septic fields, retaining walls, constructed drainage-ways, terracing, and landscaping;
 - o. proposed grading plan for the site;
 - p. proposed landscaping plan for the site, including specific trees under n. above to be removed for any purpose;
 - q. areas managed specifically for fire risk reduction;
 - r. plan for exterior lighting;
 - s. other substantial landscape features such as prominent rock outcroppings greater than 1000 square feet in area, water bodies, perennial streams, and springs.
3. Design requirements for a visually subordinate building site shall include the following in addition to other requirements:
- a. retention of vegetation to achieve at least 75 percent screening of permitted buildings potentially visible from SLRS, with screening density measured by plan view and elevation view analysis of summer and winter tree canopy and height between the proposed building or other design element and any SLRS;
 - b. clearing of trees and vegetation for roads, drives and utility easements shall be the minimum extent necessary for construction;
 - c. trimming of trees shall be conducted in a manner that is sufficient only to allow a filtered view from the property towards any SLRS, that conforms to screening requirements in a. above, and that assures continued health of each tree left standing;
 - d. tree root areas of retained trees shall not be filled above the natural grade;
 - e. use of contour grading and retaining walls if necessary;
 - f. use of dark earth-tone colors for exterior of permitted buildings visible from SLRS, such earth-tone colors as are found predominantly on the building site, in particular tree and bush summer leaf and bark color;
 - g. use of non-reflective or low-reflective exterior building materials and finishes, particularly low-reflective roof material.

- h. avoiding building locations that are on highpoints, outcroppings or prominent knolls, and avoiding designs that push buildings up, out or away from a hillside;
 - i. no building shall be greater than 35 feet in height measured from the lowest natural or manmade grade (whichever is lowest);
 - j. if building is on ridge-top (ridgeline) maximum height of building shall be no greater than 25 feet from lowest natural grade or height of surrounding trees on ridge-top, whichever is lesser;
 - k. outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents lighting from projecting onto adjacent properties and roadways, and shielding and hooding materials shall be composed of non-reflective and opaque materials;
4. If requirement for 75 percent visual screening under 3.a above cannot be attained feasibly with existing vegetation due to slope or other physical constraint specifically documented by the applicant, then a minimum of 50 percent visual screening may be accepted with use of a combination of five or more design options that may appropriately mitigate visual impact as follows:
- a. screening by constructed fences or walls of soil, rocks or bricks of dark earth-tone colors, or screening by planted vegetation, or a combination of both, provided that the screening does not in itself pose an impact as viewed from an SLRS;
 - b. relocation of a building site component to another place within the site which is less visible from an SLRS;
 - c. camouflage or disguise in character with the landscape of the building site;
 - d. reducing the height of a building or building component;
 - e. downsizing by reducing the number, area or density of buildings and/or site components;
 - f. decommissioning or removal of existing structures on the site;

- g. setdowns from ridge-tops (ridgelines) such that the structure does not exceed the ridge-top as seen from any SLRS;
- h. stepping or setting buildings in sections into the hillside by means of split development pads down the slope;
- i. terracing of retaining walls into sections down the slope and contoured with the slope;
- j. greater setbacks from property lines and/or other buildings;
- k. breaking of uniform and blank massing of surfaces, including building surfaces and other constructed elements such as retaining walls;
- l. use of low-reflectivity glass in windows;
- m. planting of new vegetation that will result in 75 percent screening within five years of planting, using a mix of vegetation matching both in species and density those indigenous to the areas;

Subdivision Regulations. Though “visually subordinate” development will be most affected by the construction of buildings, the design of lots and improvements within a subdivision will set the stage of where and how buildings can be appropriately sited, and will have an ultimate effect on how “visually subordinate” an overall development will be. Thus the following is proposed for consideration by the Planning Commission to amend the Subdivision Regulations:

That a new Section 9.09 be added to the Subdivision Regulations to read as follows:

9.09. Subdivision within the R-2-Rural District 2 zone of the Zoning Resolution of Blount County, Tennessee.

The preliminary plat for any subdivision lying partly or wholly within the R-2-Rural District 2 zone shown on the Zoning Map for Blount County shall be assessed for impact on Scenic Landscape Resources of Significance as defined in Section 9.3.I.1.b of the Zoning Regulations of Blount County. If no part of the preliminary plat is visible from any SLRS, then no further requirements under this section shall be applied. If any portion of the preliminary plat is

visible from any SLRS, then the following additional design requirements shall apply:

1. Lot locations and design elements of the plat such as roads and road cuts shall be assessed for visibility from any SLRS using County GIS;
2. Lots potentially visible from an SLRS shall be designed such that a building site is encompassed of less than 30 percent slope sufficient to accommodate a structure of intended size and use, and such that a sufficient amount of existing vegetation is present to meet screening requirements under Section 9.3.I.3.a of the Zoning Regulations of Blount County. An architect or landscape architect shall prepare a report on lots potentially visible from an SLRS certifying that the proposed lots can meet requirements of Section 9.3.I.3.a of the Zoning Regulations of Blount County. Costs associated with any GIS analysis of visibility from SLRS under this section and section 1 above shall be paid directly to the GIS office by the subdivider.
3. Clustering of lots on areas of less than 30 percent slope is encouraged.
4. Roads and road cuts shall be designed to minimize visibility from any SLRS, and existing vegetation shall be retained to the maximum extent practicable to screen roads and road cuts from SLRS views.

Administrative Considerations. The above proposed regulations were written under assumption of limited capacity within County Government to review design site plans. In particular, the regulations were written under assumption that the reviewer would not be a design professional, i.e., not an architect or landscape architect. Thus the professional design input was addressed by requiring that an architect or landscape architect be utilized by the applicant, and that certain design elements be present in the site plan or certified with a plat of subdivision.

Field inspection of building construction and site preparation may be assigned to existing staff, such as the Building Commissioner and/or the Building Official. Since it is assumed that neither are design professionals, it would be wise to require from the design professional responsible for the site plan a certification of construction in accordance to the approved site

plan. The certification could be tied to final building inspection and certificate of occupancy.

For subdivision preliminary plat review, the appropriate reviewing office would be the Planning Department and the Planning Staff. Staff notes that the present Hillside Development standards starting in Section 9.1 and ending in Section 9.4 may need to be reviewed to make application with this proposal more consistent. In particular, the requirement of slope map should be amended to specify slope categories of 0 to less than 15 percent, 15 to less than 30 percent, 30 percent to less than 50 percent, and 50 percent and greater slope.

The analysis of visibility from SLRS has been demonstrated in maps developed for discussions in the ad hoc committee. The maps were developed using an analysis program in ArcInfo available in the GIS office of the County (jointly funded by the County and the Cities of Maryville and Alcoa and housed in the Maryville City Hall.) Details of the cost and administrative procedure of submission and reporting should be worked out with the GIS office along with finalizing of any regulations.

The proposed regulations assumed that the site plan or plat submitted for visually subordinate development would be reviewed by County staff and permit approved by the Planning Commission. In certain instances, a full permit process may also include review and approval by the Board of Zoning Appeals if the use is a special exception. However, the Board of Zoning Appeals would not have a direct role to play in determining the “visually subordinate” aspects of the development.

As with all zoning regulations, if application of the regulations would result in undue hardship on the property owner due to characteristics inherent in the land, the property owner has recourse through the variance procedure of the Board of Zoning Appeals.

Note that the Scenic and Landscape Resources of Significance (SLRS) identified in the proposed regulations were limited to those discussed in detail by the ad hoc committee. The SLRS list in this proposal address in actual viewscape only the north face of Chilhowee Mountain. In discussions within the Office of the County Mayor, concern was raised that such limits to application within the R-2 zone may result in weaknesses subject to legal challenge, particularly non-equal application of the regulations where it is

obvious that other SLRS in the county are in similar situations. The Planning Commission may wish to consider broadening application to the entire length of Hwy 321 from Maryville to Townsend, and possibly other important publicly accessible scenic resources of general significance near the mountain areas of the county.

One item not addressed in this proposal and which was present in some examples reviewed by the ad hoc committee is a design handbook. As noted in ad hoc committee discussions, the County does not have in-house capability for graphics and design required to develop such a handbook. The proposed regulations were written in a manner that does not necessarily require a design handbook, but an accompanying design handbook with graphic portrayal of acceptable “earth tone” color schemes and illustration of required and acceptable design elements would be helpful.

Given that some of the terms used in this draft proposal have specific meanings, addition of definitions in any final proposal would be appropriate.

Resources on the Internet.

This proposal utilized the Sevier County “Preferred Directions Report” as a basic guide for discussions and development of regulations, found at <http://www.sevierlibrary.org/hillsides/Preferred%20Directions%20Report%208-14-07.pdf> .

Staff also utilized several other sources in preparation for presentations to the Planning Commission and the ad-hoc committee, and as resource to help develop proposed regulations, most notably as follows:

“Hillside and Ridgetop Regulations: A Recommendation for Asheville” at <http://www.landofsky.org/downloads/Hillside%20&%20Ridgetop%20Regs%20report%20-%20A'ville.doc> ;

“Case Study Analysis – Hillside and Ridges Study” companion to the Sevier County “Preferred Directions Report” noted above at <http://www.sevierlibrary.org/hillsides/Case%20Studies%2020070515.pdf> ;

“Building in the Scenic Area – Scenic Resources Implementation Handbook” of the Columbia River Gorge Commission at

<http://www.gorgecommission.org/handbooks.cfm> ; and an associated set of Wasco County, Oregon regulations applicable in the Columbia River Gorge at <http://co.wasco.or.us/planning/NSACHAP14.html>.

The Blount County Land Use Plan: A Plan for Mountain Areas is at <http://www.blounttn.org/planning/mountain%20area%20plan%201997%20with%20maps.pdf>.

The Blount County Policies Plan is the general plan for the County at <http://www.blounttn.org/planning/e%20-%20Policies%20Plan%201999.pdf>.

The Zoning Regulations subject of proposed amendments are at <http://www.blounttn.org/planning/ZONING%20RESOLUTION%208-06%20update%20print%20version.pdf>.

The Subdivision Regulations subject of proposed amendment are at <http://www.blounttn.org/planning/September%201-06%20NEW-SUBREG-approved.pdf> .