

Think Quality - Think Future

Blount County Planning Department

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TO: Blount County Planning Commission

FROM: John Lamb

DATE: July 17, 2008

SUBJECT: Long range agenda items for the July 24, 2008 regular meeting.

1. Report on citizen input workshop on revised Policies Plan and further steps toward approval.

The Planning Commission held a workshop to hear citizen input on the draft revised Policies Plan on July 15. In attendance were Commissioners Blankenship, Burchfield, Farmer, Harrison, Helton, Hodge, Ramsey, Scully and Stucky. From an audience of about twenty-five, 14 persons spoke. The Raven Society had previously mailed separate written comments to the Planning Commissioners, and link will be posted on the web page. One citizen, James White, mailed comments which were distributed at the meeting. County Commissioner Wendy Pitts-Reeves submitted written comments to staff at the meeting in addition to her comments below. The written comments of Commissioner Pitts-Reeves will be distributed the Planning Commission via e-mail and posted on the web page. The following are summary comments from the workshop.

(Summary of written comments from the Raven Society)

The following are excerpts only of the recommendations contained in the submitted document. The original document used color coding of

recommendations and comments, which have been changed to underling for recommended additions, underlined strikethrough for recommended deletions, and parenthesis for explanation. The original document can be found at http://www.theravensociety.com/Position%20Statement_policies_plan_08.pdf

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

(The county intends to utilize its history and heritage to promote tourism and should be explicit about its importance.)

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

Under 1A – Implementation Strategy (3) 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:*

o designate “villages” or “hamlets” in rural areas to allow clustering on community sewer service with dedication of open space and appropriate density bonus;

(Any action that can increase the cumulative density of residences within areas the 1101 Growth Plan designates as “Rural” violates the law. Also, it is contrary to principles of smart growth and the goal of maintaining low-density development in rural areas. Encouraging higher density in rural areas is unnecessary for the creation of hamlets, and it is contrary to the law.)

1A-Implementation Strategy (4). Encourage historically sensitive development.

o Inventory all county historic sites and adopt guidelines to create buffers from moderate to high-density development to enhance historic settings.

Under 2A-Implementation Strategy (1). *Update and expand the Conceptual Land Use Plan and incorporate it into a Comprehensive Plan, and under bullet point Integrate and possibly expand the following land use concepts in any land use plan update:*

o Rural 1 Land Use – medium to low density development (~~1.5 units per acre or less~~) (1.2 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.

(TRS opposes any increase in allowable residential density in the Rural areas of the county)

(Note also that original document underlined for emphasis “*needs amendment of map to be consistent with 1101 Growth Plan*”.)

o Rural 2 Land Use – low density development (~~0.33 units per acre, average 3 acres per dwelling unit~~) (1 dwelling unit per 5 acres) - 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.

(Note also that original document underlined for emphasis “*applies mainly to mountain areas with inherent constraints to development*”.)

Under 2A-Implementation Strategy (1). *Update and expand the Conceptual Land Use Plan and incorporate it into a Comprehensive Plan, and under bullet point Include as part of land use plan update consideration of the following:*

o Concentration of commercial land uses at key intersections and designated development nodes that would be limited to rural neighborhood uses.

(TRS supports allowing services useful to rural residents but opposes creating “destination” development in rural areas.)

2A-Implementation Strategy (3). Higher density development should be limited to the cities or near to the cities along major arterial and collector status roads with sewer within the Urban Growth Boundary. Lower density development should be encouraged farther from the cities, and especially in situations where there is no sewer and limited road capacity.

(TRS wants to stress the importance of respecting the intent of Public Chapter 1101 and the concept of urban growth boundaries.)

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

(The underscore of “limit regulations” and last phrase are unnecessary.)

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

3A and B—Implementation Strategy (1). Education of Public officials should be briefed on constitutional provisions and basic decisions of the courts on land use issues.

o Staff should provide education to public officials on the meaning of "public health, safety and welfare," which has broadened to encompass the value of maintaining aesthetic, historic, and cultural elements of the surroundings, on constitutional provisions and court decisions on land use issues, and on the need to balance private property rights with the community benefits of regulations to manage growth, protect viewscapes, protect property values, and preserve quality of life. 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 and B—Implementation Strategy (2). Any regulation should have a clear relationship to plan objectives in support of health, safety, ~~and/or~~ welfare or protection of the common good.

3A and B—Implementation Strategy (3). A mechanism for appeal 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.

(This policy needs to be more clear as to what the law and the courts have permitted since the initial Policies Plan was adopted).

5. Guiding Policy - Growth and development should be *balanced* with provision of adequate publicly supported infrastructure.

5A Objective Policy. Development should be ~~encouraged~~ restricted to locate in those areas where adequate publicly supported infrastructure already exists or can be economically extended.

(TRS believes making this stronger represents the direction the Planning Commission has moved and the desires of most county residents. Merely encouraging desired activity has not proven adequate.)

Under 5A Implementation Strategy (1):

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 schools and sewer) and areas not adequately served by infrastructure (especially schools and rural roads).

(Some areas of the county within urban growth boundaries have adequate sewer but not adequate school capacity).

5B Objective Policy. Plans should be formulated to ~~address~~ insure adequate schools, roads, parks and recreation, and other publicly supported infrastructure for growth and development, including a comprehensive plan, capital improvement program and capital improvement budget.

5B-Implementation Strategy (1): A reasonable balance between growth and school infrastructure should be developed, taking into consideration needed long term capital improvements, as well as interim accommodation of growth with school rezoning and the temporary use of portables for no more than one year per school.

Bullet under 5B Implementation Strategy (3):

- o A purchase of development rights program should be formulated and adequately funded.*

5B-Implementation Strategy (4): Prepare a Countywide evaluation of long-range sewerage needs based on the projected densities of planned development in various areas, and adopt a policy plan to guide decisions concerning the location and funding of future sewerage improvements so they encourage development only in specific areas.

(The community should determine the need for sewer extension, not the developers).

- o Form a County Water and Wastewater Treatment Authority to address on-site wastewater permits and monitor and enforce compliance.*

(Compliance and enforcement by the state currently is inadequate and more important than the one-time permitting process.)

- o Promote compact development in sewerred growth areas around existing cities and towns within the urban growth boundaries. ~~and in designated growth areas within the County.~~*

(Written comments from James White)

I am writing this letter to give input on the Blount County Policy Plan, for which there is a hearing on July 15, 2008, which I will not be able to attend.

I was very surprised to learn that lot density bonuses for clustering in a hamlet were part of the plan. Being allowed to cluster homes to save on roads and piping is its own reward in considerable cost savings. That's what developers want to do anyway. No incentive is needed!

This is particularly upsetting to see this in the Plan for any rural part of the county. Please consider removing this. I have even heard some developers comment, "Oh, that will just be for certain clique developers."

We have so many homes empty for resale. Why in the world would we want to increase the profits of certain developers when they will most certainly cluster anyway for their own cost savings.

Thank you for allowing my input.

The following are summary notes of comments by speakers at the workshop:

Marian Fitzgerald

Stated that she was pleased with proposed changes. Support regulations to protect rivers and streams. Five foot stream buffer is inadequate. Need to seek advice from TDEC and Little River Watershed Association.

Gordon Wright

Noted original settlers in county did not need others to tell them what to do and what the county should look like, and questioned if we need others telling us what to do now. Concerning Policy 1A, we already have a lot of open space in the Great Smoky Mountains National Park, TVA land, community centers and parks, and required set asides in subdivisions. In his subdivision he has 16 acres of open space that no one uses. This open space is either not taxed or is under reduced taxes, and this has an effect on the tax base. Requiring more dedication of open space in new developments will exacerbate the problem. Notes that our ancestors were protective of property rights. If you have an influx of population you need some regulations, but need to be uniform in application, for example do not single out the looks of a house in the mountains if you will not also address the

looks of a house in the lowlands, and do not single out development clear cutting in the mountains if not also in the lowlands. Objects to mandating conservation easements to be assigned to a third party thus losing the use of the property, and the effect of reducing taxes from developable property. Does not agree to Purchase of Development Rights with County funds which would better be applied to needed roads. Concerning Policy 1D notes that Phase II storm water mandates already required by state, and under the state law agriculture is exempt. Concerned that local laws may interfere with agriculture such as encouraging best management practices. Concerning open space dedication, does not totally disagree but disagrees with larger scale mandates. Encouraging urban concentration of development and discouraging dispersed rural development can be good and bad since there are also social problems with concentration of population. Notes that people are choosing to move out from urban areas. Notes that there is no relationship between visual impact and the protection of public health, safety and welfare under Policies 3A and 3B, and law supports that visual impact alone cannot be basis for regulations. Opposed to wheel tax, but would support use of hotel/motel tax. Government that governs least governs best. The proposed policies plan is unneeded overregulation and restriction of property rights. Overregulation is detrimental to those who pay taxes and pay the bills.

Kathleen Skinner

Open space conservation, and protection natural areas and agricultural land, is an important part of planning that benefits all of the citizens. Provides recreational opportunities and scenic landscapes for our quality of life. It protects wildlife habitat. Sustains agricultural land for food production. It protects water quality and replenishes groundwater. It maintains oxygen production for clean air. Citizens have shown support for preserving open space. Concerning tax revenues, open space demands less of the tax base than does residential development. Homes are always a drain on the county budget. Low density subdivision cause sprawl that consumes agricultural land, increases housing cost, and impact the ecology. Should encourage compact development in and around existing urban centers. Citizens need more alternatives for housing, including urban lifestyles.

Richard Furgerson

Policy 4C should not endorse a particular project, e.g., Pellissippi Parkway or southern loop. There is too much reliance on the TPO plan which is too much a promotion of projects with little public input.

Derrick Harmon

Policy 1A part 3 concerned with density bonus for cluster development. Cluster has substantial benefit in itself. Do not give away a gift to use up more of our farmland. It takes a long time for a residential development to pay off in taxes, and we do not want more development in our farmland. We may need the farmland for survival. A density bonus sounds like a perk for certain select developers. It is more stress on roads and school infrastructure.

Ingrid Haun

Notes that Cracker Barrel is a play on nostalgia of a rural way of life, but it is ironic that it is usually located next to a large interstate highway. The Policies Plan is so important in that it can protect real rural character and a way of life. We have some things here that make us different from other places in the US. We are at the point where we can go one of two ways, the market way which will make us similar to Knox County and Pigeon Forge, or we can preserve what is unique and important to us. We need to control it and plan for it, and not just let the market decide for us. The Policies Plan is important for this.

Caron Beard

Three major problems: urban sprawl, strip development along highways, and lack of quality of development along highways. Cluster development will decrease cost of infrastructure. If we set minimum standards on development we will increase visual quality. Need landscape ordinance, using communities such as Maryville and Farragut as examples.

Ellis Bacon

Need sustainable economy, and ecotourism should be part of this. National Geographic study showed that 60 percent of tourism was focused on

genealogical themes, ecotourism and special places. We need to protect such things in Blount County. Tourists spend their dollars to come to look at the mountains and the ecology. Ecology and economy are intertwined. You often see that there is a polarization involved in public discussion of issues. It is not a dichotomy, and the Plan is a wonderful compromise. The majority of the people have spoken in Nine Counties One Vision to maintain rural quality of the county.

Doug Gamble

Issue of time frame. We need to look beyond the immediate time frame and out to 50 to 100 years in setting direction and desired outcome. Should not let market forces for the last 200 years to dominate the next 100 years. The Raven Society has provided some suggestions to improve the Plan. Do not let short term window of five or ten years guide your views. Have we set our county on a course that will protect it in the next 100 years.

Don Headrick

Concerning Policy 1C, the people who own the ridge tops and riverbanks pay taxes on them, and those who want to regulate others should pay the price of burden on the value of the property owner. Those who identified the visual areas to preserve do not pay the taxes on the properties to be preserved. A few should not be able to dictate to others. It should be a democracy. Only about 250 people responded to develop the Policies Plan and this is a very small minority. Working people do not have the time to attend these types of meetings, and they should be considered also.

Wendy Pitts-Reeves

Likes unique ideas like picking out a stream to mitigate each three years. Many times such ideas are presented as an either or type of proposition, either you regulate or you let development go like crazy. Notes example of Hilton Head, and that community's effort to preserve that island. The property values on that island are not cheap. Gets comments from people in Sevier County that Blount County should not make the same mistakes as in Wears Valley. We have a chance to do what is right, and that can be good for business too. Cites example of comments from Ed McMahon who showed that open space is what people like to build houses next to, and that

enhances the value of all the property. Doing things right also can make money. Good planning is good business, and is good for the people.

Mary Gregory

Notes that regulations have had impact on her family land in the Townsend area, but she is happy about this. Development in the past has impacted the mountains. She wants Blount County to remain the beautiful place it is now. Appreciate Blount County for what it is and its history. Hope we can live with our environment. Need also to allow for such things as trailer parks so that those who can only afford this can be accommodated. Need to protect all classes of people in county.

Billy Newton

Values the rural character of county. County has both urban and rural character, and natural beauty. It is important to move forward on protecting this by looking ahead. It will be very obvious in the future those communities that took a stand to preserve the natural beauty and rural character of their community. The economy and preservation are tied together as an economic engine of the community, that will regenerate the greatest revenues decade after decade. Responsibility of government to look out for greater good to insure longevity and sustainability of benefits. Good that voluntary guidelines have now become required. Greatest prosperity is to preserve natural beauty and health environment as our capital into the future.

Booty Miller

All the things that were true a century or two ago cannot be held true today. Our population has grown so that we are getting in each other's way. Do into those downstream as you would have those upstream do unto you. Gave example of local lake that has filled up with sediment. We need to think of effects of our actions.

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The draft revised Policies Plan is open for further discussion and revision. See attached draft, also available at www.blounttn.org/planning under the meeting button.

At the last meeting, Commissioner Helton requested that the Policies Plan also be sent to the County Commission for comment. Staff failed to get the item on the July County Commission workshop agenda, but requested that the item be placed on the August workshop agenda. Staff will mail a copy of the draft revised Policies Plan to the County Commission (minus those members already on the Planning Commission). Staff will report any comments from the August County Commission workshop at the next regular meeting.

Assuming no major rewrite, the revised Policies Plan may be in a form ready for final public hearing and action in August or September. State statutes require only the following for adoption of the plan (TCA 13-3-303):

A regional planning commission may adopt the regional plan as a whole by a single resolution, or, as the work of making the plan progresses, may from time to time adopt a part or parts thereof. The commission may from time to time amend, extend or add to the plan or carry any part of the plan into greater detail. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of the membership of the commission. The resolution shall refer to the maps and descriptive matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map or maps and descriptive matter by the identifying signature of the secretary of the commission.

Note that there is no requirement for a formal public hearing. Staff would suggest, however, that a formal public hearing be held as part of the August or September regular meeting prior to possible action.

2. Further discussion on draft proposed regulations for visually subordinate ridge-top and hillside development.

This item is open for discussion at every regular meeting at the direction of the Planning Commission. The Commission at its last meeting briefly reviewed the recommendations from the Ad Hoc Committee. The Commission deferred discussions on administrative considerations, particularly the need for a handbook, and the list of Scenic Landscape Resources of Significance. The draft proposal considered by the Ad Hoc Committee is attached and may be viewed at www.blounttn.org/planning under the meeting button. Staff and the Committee may report further at the Planning Commission meeting.

3. Discussion on common driveway easement notification procedure for subdivision.

This item was briefly discussed at the last meeting in relation to issues with a plat under consideration. The Planning Commission requested that the item be placed on the agenda for further discussion. The following is a brief summary of present operating procedure and history.

There is no requirement in the Subdivision Regulations for notification of other parties subject to a common driveway easement when division is proposed off of such easement. However, the Planning Commission in the past has requested that all parties to a common driveway easement be notified of the limitation of subdivision on such an easement. This is done as a courtesy and to allow consideration of equity in application of the regulations to all parties.

The Subdivision Regulations allow no more than four lots maximum having exclusive access on a common driveway easement. As a general rule, if there are no objections from all parties concerned, a proposed division can proceed. If there is an objection from one of the parties subject to the common driveway easement, then the Planning Commission hears and resolves any issues in the plat approval process. In the past, the resolution has taken several different forms.

If the objecting party has no capability for further division (e.g., lot too small), then the proposed subdivision has been approved, there being no net effect of lot limitations on the objecting party. If the objecting party has capability for further division off of the common driveway (e.g., lot large enough for further division), the Planning Commission has either considered the plat before them to be “first come – first served” or has allowed for more than the four lot maximum divisions on the common driveway. At the last meeting, the Planning Commission addressed the issue by allowing a plat to proceed with one less lot than requested to allow the objecting party to have potential for one lot in the future.

4. Discussion on possible regulation of campgrounds.

See attached example from Townsend regulations. This item is open for discussion.

5. Staff reports. Staff may have other miscellaneous reports at the meeting.