

Think Quality - Think Future

Blount County Planning Department

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TO: Blount County Planning Commission

FROM: John Lamb

DATE: September 17, 2008

SUBJECT: Long range agenda items for the September 25, 2008 regular meeting.

1. Discussion of contract zoning.

At the last regular meeting, Commissioner Hodge reported that Maryville used contract zoning in a rezoning of a parcel in the city. The Commission expressed interest in this method of rezoning.

Contract zoning or rezoning involves negotiation of conditions between the local legislative body and a prospective developer or applicant for rezoning, with the developer or applicant accepting conditions in return for guaranteed rezoning. The zoning or rezoning is generally limited to a specific project and/or use subject to the conditions. A contract binds both parties, the legislative body to pass the rezoning, and the developer or applicant to any conditions negotiated.

Contract zoning or rezoning has been held illegal in the past, with the argument being that a legislative body cannot contract away any of its powers to zone or rezone in furtherance of the public health, safety and welfare. More recently, contract zoning as a form of conditional zoning has been more favorably viewed if allowed by state statutes.

TCA 13-7-201(c) allows contract zoning under provisions governing municipal zoning as follows:

(c) In any county having a population of not less than eighty-five thousand eight hundred (85,800) nor greater than eighty-six thousand one hundred (86,100) according to the 1990 federal census or any subsequent federal census, any municipality may, by ordinance or amendment adopted by a two-thirds (2/3) vote of its legislative body, rezone properties conditionally or based upon contract, where the agreed conditions are designed to ameliorate injuries created by the rezoning to surrounding property interests or to municipal interests.

The above county population figures encompass the 1990 Census count of population of Blount County. Thus, any municipality within Blount County falls under this TCA section and may use contract zoning.

TCA has no similar provisions for a county jurisdiction such as Blount County. Thus, Blount County does not have authority to enter into contract zoning or rezoning. For Blount County to fall under similar provisions, state statutes that govern county zoning (TCA 13-7-101 et seq.) would need to be amended.

2. Discussion of cluster development and open space requirements.

This item is subject of the called work session prior to the regular meeting. This item is open for further discussion and possible action if the Planning Commission desires.

3. Update on green infrastructure planning process.

The Mayor hosted a quarterly breakfast for all planning commission members and staff in the cities and the county on September 8. The subject of the breakfast was an overview of the upcoming green infrastructure planning process. Representatives of all cities in attendance at the breakfast indicated that they support the process.

Ten of twelve members of the Blount County Planning Commission were in attendance to hear the overview. The following is an update on the green infrastructure planning process, and should be considered as tentative for schedule, sites and content.

The green infrastructure planning process is and will continue to be assisted by TVA and the Southeast Watershed Forum, both of which have assisted in earlier water quality planning in the County. The County will contract with the Southeast Watershed Forum for specific workshop planning and facilitation services, and a 2030 build-out animation map of the county.

The first part of the green infrastructure planning process is a set of eight to ten citizen workshops. All cities are targeted for a workshop – Alcoa, Friendsville, Louisville, Maryville (possibly 2), Rockford (tentative) and Townsend. The County will host three additional workshops, tentatively at Heritage High School, William Blount High School, and Porter Elementary. The planner for each jurisdiction will be the prime facilitator of the workshops. The workshops will be scheduled over six weeks between October 14 and November 20. Ads and community announcements will be placed in the Daily Times and other media outlets as the workshops progress.

The workshops will be structured generally as follows: brief introduction of green infrastructure concept and mechanics of the workshop; mapping of possible green infrastructure areas in the county; prioritizing of top three areas; reporting of results at meeting; and opportunity for written citizen input.

The workshops will center on a set of maps around which five to seven citizens in attendance will group at tables. The full complement of map information is still to be determined, but will include at least two maps per table with such information as streams, topography, farmland, land cover, existing developed areas, wildlife areas, and existing conserved land. A third clear overlay map with some basic geographic information such as major roads and city boundaries will be the work map on which citizens will be asked to draw areas for consideration as green infrastructure. To assist in identifying areas, a set of supporting maps will be available (possibly displayed on walls) of such information as hydric soils (useful in

identifying potential wetland areas), flood plains, and parcels with present greenbelt tax designation. The joint Maryville/Alcoa/Blount County GIS office will produce the maps, and will assist in compiling map results.

Each group by table will be asked to pick their top three mapped areas and explain why the top three are important as green infrastructure. A reporter will be chosen at each table to report the results of that table to the workshop. Each citizen also will be given an opportunity to write individual comments, suggestions and recommendations, and all will be invited to submit comments by e-mail and mail outside the meeting.

After the workshops, the tentative schedule is as follows. The results of the workshops will be collated as the workshops progress, and during the month of December. The workshop results will be presented to the public in early January. By middle to late January and extending into February, the planning commissions will be gathered into two workshops to begin formulating a Green Infrastructure Plan. The results of the two planning commission workshops will then be distributed to each jurisdiction for refinement and incorporation into their own plans. Target is for Blount County to complete a Green Infrastructure Plan by April or May, and incorporate that plan into a Comprehensive Plan by August of 2009.

4. Staff reports and looking ahead.

Reminder of Planning Commission workshop on ridge-top and hillside development standards September 30 at 6:00 PM in Room 430.

Discussion of common driveway issues was set for the regular October meeting.

Citizen input workshops in support of Green Infrastructure Planning are tentatively scheduled to start October and continue into early November.

Discussion of issues of campgrounds was set for the regular November meeting, which will need to be scheduled to avoid conflicts

with Thanksgiving holidays. At the last meeting, staff suggested November 25.

Election of officers should be held at the November regular meeting.

Staff expects to have new information for the ad hoc committee on junk and junk cars by November for possible committee meeting immediately following the November regular meeting.

The December regular meeting will need to be scheduled to avoid conflicts with the Christmas holidays. At the last meeting, staff suggested December 23.

Staff may present other miscellaneous reports at the meeting.