

# MEMORANDUM

**TO:** Blount County Commissioners  
**FROM:** Craig L. Garrett; J. Scott Stuart  
**DATE:** June 6, 2025  
**RE:** Options for Consideration of Resolution Concerning and Amendment to the Regional Plan

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## **Question Presented**

1) What options are available to the Blount County Commission in consideration of the Resolution concerning an amendment to the general regional plan proposed and recommended by the Blount County Planning Commission?

## **Brief Answer**

The Blount County Commission has three (3) basic options in considering the resolution: 1) the County Commission may pass the resolution as written by a majority vote – at which point the amendment goes into effect and all future land use decisions must be consistent with the amended plan; 2) the County Commission may reject the resolution – at which point the matter is at an end and the proposed amendment is given no effect; or 3) the County Commission can consider a revision of the amendment proposed by the Planning Commission. However, any substantive change to the proposal of the Planning Commission must first be sent back to the Planning Commission for their input before it may be acted upon by the County Commission. A substantive change is one where there is a strong probability that the change would have affected the Planning Commission's recommendation or vote.

## **Analysis**

This memorandum addresses the Resolution concerning the adoption of a proposed amendment to the Blount County regional plan and the options available to the County Commission in consideration of the resolution. First, this memorandum will address the purpose of the regional plan for the County. Next, this memorandum will provide a procedural history of the proposed amendment to the general regional plan submitted by the Blount County Planning Commission. Finally, this memorandum will address the options available to the County Commission in deciding whether to adopt, reject, or revise the recommended amendment to the plan.

### **I. Purpose of Regional Plan**

By law, regional planning commissions are required “to make and adopt a general regional plan for the physical development of the territory of the region.” T.C.A. §13-3-301(a). The Blount County Planning Commission serves as a single county regional planning commission and has previously adopted a general regional plan for Blount County.<sup>1</sup> The statutory framework for the regional plan states that the plan, along with “maps, plats, charts, and descriptive matter, shall show the regional planning commission’s recommendations for the development of the territory covered by the plan. . .” T.C.A. §13-3-301(b). Accordingly, this plan may include, among other things, the following:

- The general location, character and extent of public ways, ground and other public property;

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<sup>1</sup> Note, however, that while the regional plan for Blount County may include planning related to municipalities within the County insofar as the layout of the municipalities affects the planning of the County as a whole, “the plan shall not be deemed an official plan or part of the official plan of any municipality having a municipal planning commission unless adopted as such by the municipal planning commission.” T.C.A. §13-3-301(a).

- The general location and extent of public utilities and terminals, whether publicly or privately owned, for power, light, heat, sanitation, transportation, communication, water and other purposes;
- The removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways, grounds, open spaces, buildings, properties, utilities or terminals;
- The general character, location and extent of community centers, town sites or housing developments;
- The location and extent of forests, agricultural areas and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities or the protection of urban development, and the identification of areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined the services are necessary in order for development to occur;
- A land classification and utilization program; and
- A zoning plan for the regulation of height, area, bulk, location and uses of buildings, the distribution of population, and the uses of land for trade, industry, habitation, recreation, agriculture, forestry, soil and water conservation and other purposes.

T.C.A. §13-3-301(b).

The purpose of the regional plan is to guide the Planning Commission in creating a “coordinated, adjusted, efficient and economic development of the region which will. . .best promote the health, safety, morals, order, convenience, prosperity and welfare of the inhabitants,

as well as efficiency and economy in the process of development. . .” T.C.A. §13-3-302. The law goes on to clarify that this plan may include, in addition to other things, the

distribution of population and of the uses of the 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, and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined that the services are necessary in order for development to occur.

Id.

## **II. Procedural History of the Resolution**

In the Fall of 2022, on recommendation of the County Commission through the Mayor’s office, the Blount County Planning Commission began the process of pursuing an amendment to the Blount County regional plan to address the growth of the County since the adoption of the original plan approximately twenty-five (25) years ago. T.C.A. §13-3-303 states that the Planning Commission “may from time to time amend, extend or add to the plan or carry any part of the plan into greater detail.” From the Fall of 2022 through the adoption and recommendation of the amendment by the Planning Commission, and aided by the use of the County Commission funded consultants S&ME/Inspire Placemaking Collective, the Planning Commission went about crafting a proposed amendment to the Blount County regional plan. This process included two (2) public workshops, two (2) open houses, four (4) steering committee meetings, and the hosting of a project website by the hired consultants. The Planning Commission held a public hearing on the plan on December 2, 2024 to solicit opinions and potential objections to the proposed amendment from the community. Following the public hearing, the Planning

Commission voted on February 27, 2025 to approve adoption of the amendment to the regional plan and submit the amendment to the Blount County Commission for final approval with a favorable recommendation.

Tennessee state law requires that the Planning Commission, upon adoption of an amendment to the regional plan, “certify a copy of its regional plan or any adopted part or amendment thereof or addition thereto to the department of economic and community development, to the legislative body of the county. . ., and to the planning commission of each municipality having a planning commission and located within the region.” T.C.A. §13-3-304(a). Regardless of the Planning Commission’s approval, an amendment to the regional plan does not become operative unless passed by a majority vote of the County Commission. T.C.A. §13-3-304(b)(2). Before the County Commission can adopt the Planning Commission’s proposed amendment to the regional plan, the County Commission must “hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the county at least thirty (30) days prior to the meeting in which the adoption or amendment is to be first considered.” *Id.* The County Commission held this public hearing on May 13, 2025 and, therefore, the recommended amendment is now validly before the County Commission for its consideration.

### **III. Options Available to County Commission in Consideration of the Resolution**

As with all resolutions, the County Commission essentially has three (3) options in addressing the amendment to the regional plan: 1) pass the resolution as written; 2) reject the resolution as written; or 3) vote to approve the resolution subject to revisions offered by the County Commission. The first two (2) options, pass or reject as written, are understandably straightforward. T.C.A. §13-3-304(b)(2) states that the county legislative body may adopt an

amendment of the general regional plan recommended by the Planning Commission by a majority vote. If the County Commission votes to approve the amendment to the general regional plan, “then any land use decisions thereafter made by the legislative body, planning commission or board of zoning appeals when the board of zoning appeals is exercising its powers on matters other than variances, must be consistent with the general regional plan.” Id. at 304(b)(1). If the County Commission rejects the resolution, then the proposed amendment is of no force and effect. Id. at 304(b)(2) (noting that “the legislative body must pass the amendment by a majority vote in order for the amendment to be operative.”).

A more complicated circumstance arises should the County Commission wish to approve the Planning Commission’s recommended amendment to the general regional plan subject to further revision by the County Commission. This section of the memorandum will address this issue. First, this section of the memorandum will look at the statutory authority of the County Commission to initiate amendments to the regional plan. Next, this section of the memorandum will examine analogous case law setting forth the standard on whether a change to a proposal of the Planning Commission would require resubmission for new review by the Planning Commission.

**A. Authority of County Commission to Initiate Amendment of Regional Plan**

As an initial matter, it must be noted that T.C.A. §13-3-304 permits the county legislative body to initiate an amendment to the general regional plan. Specifically, the statute states:

- (b)(3)(A) The general regional plan may be amended upon the initiative of the legislative body. The initiative must be transmitted, in writing, to the planning commission for its review, consideration, and vote. The planning commission must take action on the amendment within sixty-one (61) days of the submittal of the amendment to the planning commission by the legislative body.

- (b)(3)(B) If the planning commission votes to approve or not approve the amendment or transmits it back to the legislative body with no recommendation, the legislative body must then approve the amendment by a majority vote in order for the amendment to be operative.

Since the County Commission has the authority to initiate its own amendment of the regional plan, it stands to reason that the County Commission could also consider revising a proposal initiated by the Planning Commission. Less clear, however, is whether the County Commission's revision of a proposal initiated by the Planning Commission would require reconsideration by the Planning Commission before it could be voted on by the County Commission.

**B. Case Law on Revisions to Proposals of the Planning Commission**

While there does not appear to be any direct case law on this issue in the context of an amendment to the regional plan under T.C.A. §13-3-301 et seq., there is case law dealing with the analogous circumstance of an amendment to a county zoning ordinance. In much the same manner as an amendment to a regional plan, an amendment to a county zoning ordinance requires that the amendment either begin with the planning commission or, when initiated by the county legislative body, be sent to the planning commission for their review and opinion before the legislative body can vote on the proposal. See T.C.A. §§13-7-101 et. seq. This process was examined in depth by the Tennessee Supreme Court in the case of Edwards v. Allen, 216 S.W.3d 278 (Tenn. 2007). In that case, the Rutherford County Regional Planning Commission, after notice and a public hearing, recommended an amendment to their zoning ordinance to reclassify ten (10) acres of land on an applicant's property to allow for a skeet shooting operation. Id. at 280-81. Following the Planning Commission's recommendation, the Rutherford County Board of Commissioners passed a resolution to reclassify the property but with an amendment to

reclassify ninety (90) acres of land instead of just the ten (10) approved by the Planning Commission. Id. at 281. Years later, when the shooting range prepared for expansion out of their initial ten (10) acre footprint, neighboring property owners challenged the reclassification by the Rutherford County Board of Commissioners.

Reviewing the resolution of the Board of Commissioners, the Tennessee Supreme Court began by noting that “[a]lthough the county legislative body has the power to amend zoning ordinances, the amendment must first be submitted to the regional planning commission. Without prior submission, the amendment is of no effect.” Id. at 284. Addressing the effect of the amendment of the Planning Commission’s proposal by the Rutherford County Board of Commissioners from ten (10) to ninety (90) acres, the Tennessee Supreme Court noted precedent observing that

[w]hether the revised proposal must then be resubmitted to the regional planning commission is contingent upon: (1) the gravity of the revision(s), and (2) whether the board’s recommendations would have been altered by the revision(s). If the revision is inconsequential and would not have altered the board’s recommendation, resubmission is not mandated. If, however, the revision(s) substantially alters the initial proposal, the proper inquiry is: (1) whether there is a detrimental impact on those who would oppose the proposal; and (2) whether the board’s recommendations would have been altered by the revision(s). An affirmative answer to either question mandates resubmission.

Id. at 287 (quoting Westland West Cmt. Ass’n v. Knox County, 948 S.W.2d 281, 282 (Tenn. 1997)). While this does not provide a brightline test on whether a revised proposal is considered a substantial alteration, the Supreme Court noted that other courts had considered the question of whether the “proposed zoning ordinance is amended so substantially that a new proposal is, in effect, created. . . The test [for resubmission] is whether the revision is so substantial as to create a strong probability that the commission’s recommendation would have been affected by the revision.” Id. at 288 (quoting Wilgus v. City of Purfreesboro, 532 S.W.2d 50, 54 (Tenn. Ct. App.



1975)); see also Westland West Cmt. Ass’n, 948 S.W.2d at 283 (holding that the substantiality test only applies to revisions of previously considered amendments, but where a revision is so significant as to create an entirely new proposal that had not been previously considered by the planning commission the matter must first be sent to the planning commission for their consideration). In the Edwards case, the Tennessee Supreme Court determined that an increase in the reclassified land from ten (10) to ninety (90) acres was a substantial change and therefore the Rutherford County Board of Commissioners erred in not resubmitting the proposal to the Planning Commission for its review. Id. As a result of this error, the resolution of the Board of Commissioners was void and of no effect. Id.

#### **IV. Conclusion**

Having completed the required public hearing on May 13, 2025, the Blount County Commission is now able to consider the recommendation of the Blount County Planning Commission for the amendment to the general plan reflected in the Resolution. In considering this resolution, the County Commission has the following options: 1) vote to approve the resolution as written by a majority vote, 2) vote to reject the resolution as written, or 3) consider a revision/amendment of the resolution. If the County Commission passes the resolution as written, the amendment to the regional plan will become operative and must be considered in future land use decisions. If the County Commission rejects the resolution, the proposal by the Planning Commission will have no force and effect. If, however, the County Commission wishes to pursue a revision to the Planning Commission’s proposal, consideration will have to be given to the gravity of the revision and whether there is a strong probability that the revision would have affected the Planning Commission’s opinion on the matter. To be clear, the test is whether there is a strong probability that the revision would have “affected” the Planning

Commission's recommendation. This does not necessarily mean that there must be a probability that the Planning Commission would have given a different recommendation. Rather, the rationale for providing the Planning Commission with an opportunity for review is so that the County Commission can be informed by the opinions and expertise of the Planning Commission. If the revision is significant enough that the Planning Commission did not effectively consider the new revisions in their previous review, the matter will have to be sent back to the Planning Commission for further consideration. Any revision sent back to the Planning Commission for further review will have to be acted on by the Planning Commission within sixty-one (61) days and will likely require the Planning Commission to conduct a new public hearing. See T.C.A. §13-3-304(b)(3)(A) and 13-3-303. The Planning Commission may then 1) vote to approve the amendments by the County Commission, 2) vote to not approve the amendments, or 3) transmit the matter back to the County Commission with no recommendation. T.C.A. §13-3-304(b)(3)(B). In any of those three circumstances, the County Commission may then pass the amendment to the regional plan by majority vote. Id.