

SENATE BILL 613

By Yager

AN ACT to amend Tennessee Code Annotated, Section 6-58-104, relative to the amendment and revision of county growth plans.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-58-104(d), is amended by deleting subdivision (1) in its entirety and by substituting the following language:

(1)

(A)

(i) After the local planning advisory committee has approved the county's initial growth plan or any revision of the growth plan in accordance with subdivision (d)(1)(B), the plan shall stay in effect without amendment for not fewer than three (3) years absent extraordinary circumstances. After this three-year period, a growth plan may be amended as often as deemed necessary in accordance with the procedures of this subdivision (d)(1)(A). An amendment to a growth plan may be proposed only by the mayor of a municipality regarding the urban growth boundary of that mayor's municipality, or by a county mayor or county executive regarding a change in the boundary between a planned growth area and a rural area. A municipal mayor may propose an amendment to the growth plan by filing notice with all of the other municipal mayors in the county and the county mayor or county executive. A county mayor or county executive may propose an amendment to the growth plan by filing notice with all of the municipal mayors in the county. The county mayor or county executive and

municipal mayors may propose only one (1) amendment each at a time for consideration by the coordinating committee. Each mayor or county executive may not propose another amendment until the amendment process has been completed for that mayor's or county executive's proposed amendment; provided however, that more than one (1) amendment may be in the amendment process and be considered by the coordinating committee at the same time.

(ii) The local governments and the coordinating committee shall use the planning criteria and procedures established in § 6-58-106(a)(1) and (2) for establishing urban growth boundaries; § 6-58-106(b)(1) and (2) for establishing planned growth areas; and § 6-58-106(c)(1) for establishing rural areas.

(iii) Upon the county mayor or county executive providing notice or receiving notice of a proposed amendment to the growth plan, the county mayor or county executive shall:

(a) Take appropriate action to reconvene or reestablish the coordinating committee within sixty (60) days of providing notice or receiving notice of a proposed amendment to the growth plan;

(b) Determine the date, time, and place for the first meeting of the coordinating committee to begin the growth plan amendment process; and

(c) Cause adequate public notice of the meeting to be made.

(iv) Except as provided in this subdivision (d)(1)(A), the procedures for amending the growth plan are the same as the procedures in this section for establishing the original growth plan. The burden of

proving the reasonableness and necessity of the proposed amendment is upon the party proposing the amendment.

(v) The coordinating committee shall take one (1) of the following actions on the proposed amendment within six (6) months after the coordinating committee's first meeting on the amendment:

(a) Recommend approval to the county legislative body and the governing body of each municipality in the county as submitted;

(b) Recommend rejection to the county legislative body and the governing body of each municipality in the county as submitted; or

(c) Recommend amendment or amendments to the proposed amendment; provided however, that an amendment or amendments proposed by the coordinating committee shall only relate to the same subject matter as the original proposed amendment.

(vi) If the coordinating committee recommends an amendment or amendments to the proposed amendment, it shall submit its recommended amendment or amendments to the local government that submitted the proposed amendment within four (4) months after the coordinating committee's first meeting on the original proposed amendment. The local government's legislative or governing body shall approve or reject the coordinating committee's proposed amendment within one (1) month after receiving it. If the local government approves the coordinating committee's proposed amendment, then the coordinating

committee shall submit such amendment with its recommendation for approval to the county legislative body and the governing body of each municipality in the county. If the local government rejects the coordinating committee's proposed amendment, the coordinating committee shall recommend approval or rejection of the original proposed amendment. This action by the coordinating committee concludes the formulation of the proposed amendment, and the local governments shall then act on the coordinating committee's recommendation. After an amendment is approved by the county legislative body and the governing body of each municipality, it shall be submitted to the local government planning advisory committee for approval or rejection. The local government planning advisory committee shall approve or reject the proposed amendment within sixty (60) days of receipt. If approved by the local government planning advisory committee, or if the local government planning advisory committee takes no action within sixty (60) days of receipt of the proposed amendment, the amendment to the growth plan becomes effective. If the local government planning advisory committee rejects the amendment, it shall specify its objections to the local governments. Then, the municipal mayor or county mayor or county executive that initially proposed the amendment may modify the amendment in accordance with the objections of the local government planning advisory committee and propose this modified amendment as a new proposed amendment and begin the amendment process again in accordance with this subdivision (d)(1)(A).

(B)

(i) Any change of an approved growth plan, or approved revised growth plan, beyond what is authorized through the amendment process described in subdivision (d)(1)(A) is deemed a revision of the growth plan. The process of revision of a growth plan begins after the adoption of a resolution by either the county legislative body or by the governing bodies of municipalities within the county representing at least one half (1/2) of the population living within municipal boundaries within the county asking for the reconvening or reestablishment of the coordinating committee for the purpose of developing and submitting a revised growth plan. If the population of one (1) municipality within the county is equal to one half (1/2) or more of the population living within municipal boundaries in the county, then a resolution of that municipality's governing body is sufficient to begin the growth plan revision process. If more than one (1) municipality is necessary to achieve the population criteria, then the municipalities have 6 (six) months to achieve the necessary resolutions after the adoption of the first such resolution by a municipality. However, failure of the municipalities to meet the population criteria for the municipal resolutions within the six-month time period shall not prevent a municipality or the county from adopting a resolution to begin the growth plan revision process after the end of this six-month period. The clerks of the respective county and municipal legislative or governing bodies shall send notice to the mayor of each municipality and the mayor or county executive of the county after adoption of a resolution pursuant to this subdivision (d)(1)(B). Immediately after receiving notice of the adoption

of a county resolution or sufficient municipal resolutions pursuant to this subdivision (d)(1)(B), the county mayor or executive shall:

(a) Take appropriate action to reconvene or reestablish the coordinating committee within sixty (60) days of receiving notice of the adoption of the resolution or resolutions;

(b) Determine the date, time, and place for the first meeting of the coordinating committee to begin the growth plan revision process; and

(c) Cause adequate public notice of the meeting to be made.

(ii) The local governments and the coordinating committee shall use the same planning criteria and procedures established in § 6-58-106(a)(1) and (2) for establishing urban growth boundaries; § 6-58-106(b)(1) and (2) for establishing planned growth areas; and § 6-58-106(c)(1) for establishing rural areas. Except as otherwise provided in this subdivision (d)(1)(B), the local governments and coordinating committee shall follow the same procedures for making a revision of the growth plan as the procedures for establishing the original growth plan; provided however, that the coordinating committee shall develop a recommended revised growth plan within one (1) year after the coordinating committee's first meeting to develop a revised growth plan. The revised growth plan submitted by the coordinating committee pursuant to this subdivision(d)(1)(B) is subject to approval in the same manner as provided for in this section for the original growth plan. The local government planning advisory committee shall approve or reject the

revised growth plan within sixty (60) days of receipt. If approved by the local government planning advisory committee, or if the local government planning advisory committee takes no action within sixty (60) days of receipt of the revised growth plan, the revised growth plan becomes effective.

(iii) After a revised growth plan is approved by the local government planning advisory committee, either by vote or by operation of law, seven (7) years shall transpire before a resolution or resolutions may be adopted to begin another revision process for the growth plan pursuant to this subdivision (d)(1)(B); provided however, that a revised growth plan adopted pursuant to this subdivision (d)(1)(B) may be amended pursuant to subdivision (d)(1)(A) after three (3) years from the approval date of the revised growth plan.

SECTION 2. This act shall take effect on July 1, 2013, the public welfare requiring it.