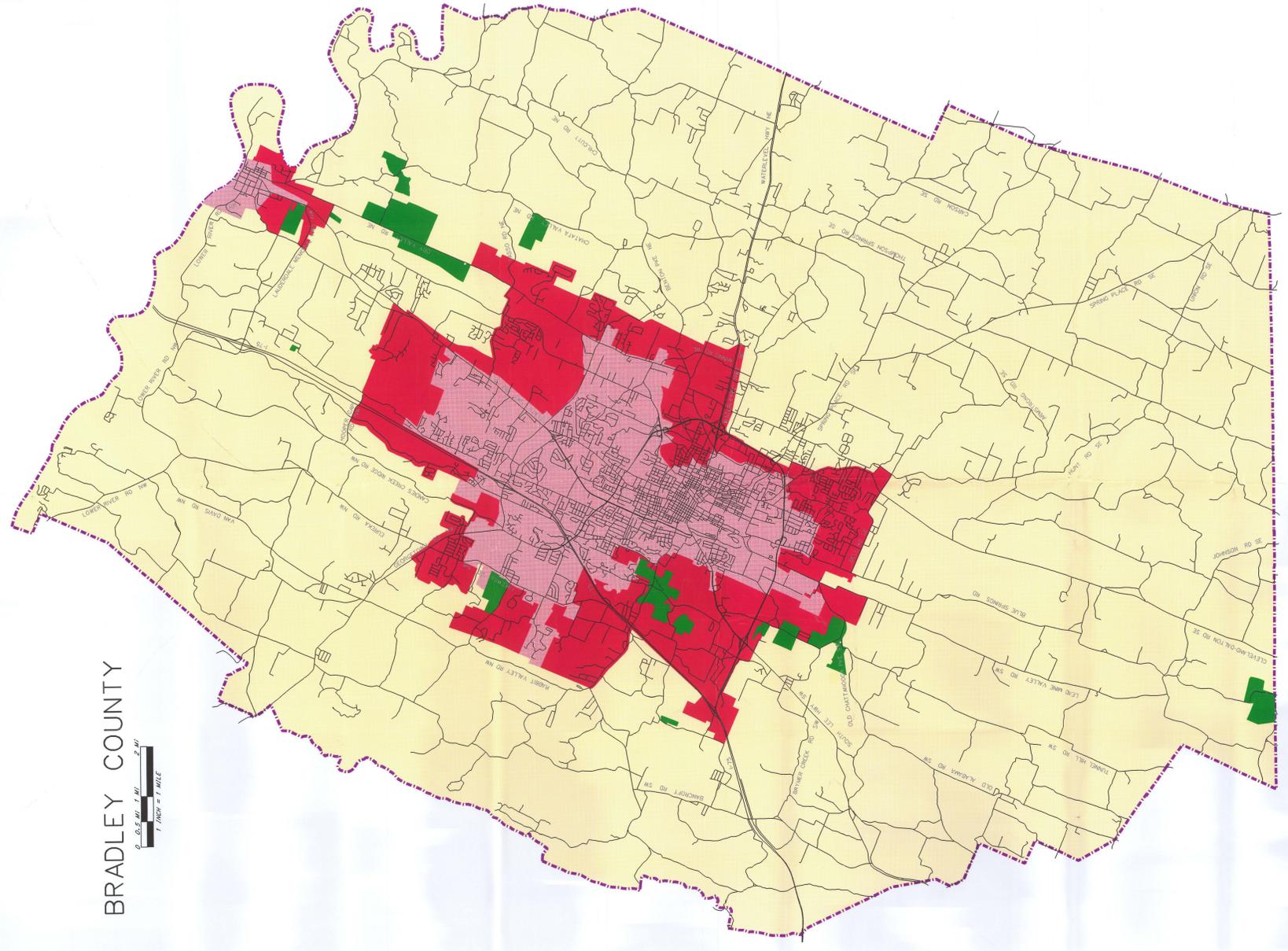
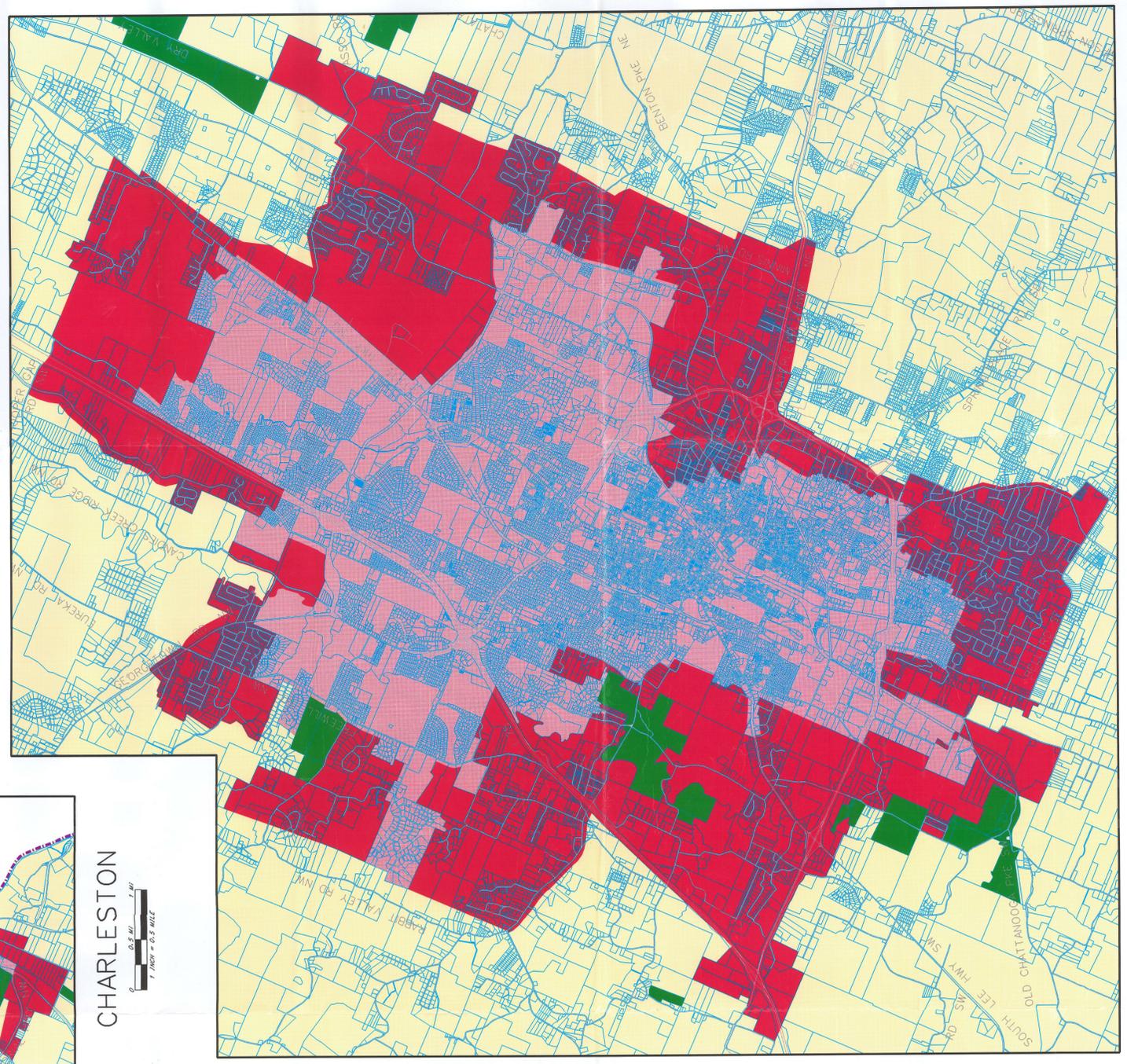


BRADLEY COUNTY

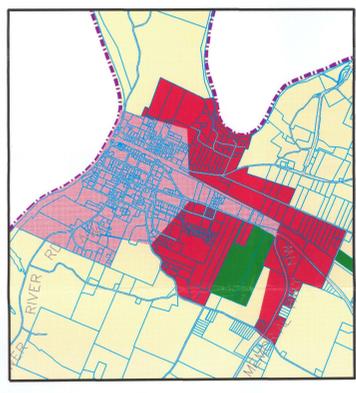


Local Government Planning Advisory Committee
 Date: June 28, 2000
 To Approve Bradley County Growth Plan
 Tom Barber, Chairman

CLEVELAND



CHARLESTON



BRADLEY COUNTY
 PLANNING DEPARTMENT
 155 BROAD ST NW
 CLEVELAND, TENNESSEE



- STREET CENTER LINES
- PARCEL BOUNDARY
- COUNTY BOUNDARY
- 2000 CITY LIMITS

- URBAN GROWTH AREAS
- PLANNED GROWTH AREAS
- RURAL AREAS

**BRADLEY COUNTY/
 CLEVELAND/CHARLESTON
 20 YEAR GROWTH PLAN**

MAY 15, 2000



State of Tennessee
Department of Economic and Community Development

Local Planning Assistance Office
William Snodgrass/Tennessee Tower Building-10th Floor
312 8th Avenue North
Nashville, Tennessee 37243-0405
615-741-2211

February 17, 2010

The Honorable Gary Davis
County Mayor of Bradley County
P. O. Box 1167
Cleveland, Tennessee 37364-1167

Dear Mayor Davis:

The Local Government Planning Advisory Committee at its meeting January 27, 2010 approved the Bradley County Growth Plan Amendment submitted by the Bradley County Coordinating Committee. Enclosed is a copy of the materials submitted by the Coordinating Committee and a copy of the Local Government Planning Advisory Committee Resolution of Approval.

The Comprehensive Growth Plan law requires that you file your plan with your county register. The Local Government Planning Advisory will also keep a copy of your plan.

If I or the Local Government Planning Advisory Committee may be of additional assistance, please contact me.

Sincerely,

Dan Hawk
Director

DH/jw

Enclosure

cc: The Honorable Tom Roland, Mayor of Cleveland
Mr. Stacy Morrison, Southeast Tennessee Local Planning Office

**Submittal of County Growth Plan
and
Certificate of Ratification**

Whereas, the Charleston/Cleveland/Bradley County Coordinating Committee has developed and recommended to the County and municipal legislative bodies of Bradley County a Growth Plan which complies with TCA 6-58-106; and

Whereas, the County and municipal legislative bodies have ratified the Charleston/Cleveland/Bradley County Growth Plan as required by TCA 6-58-104; and

Whereas, the Charleston/Cleveland/Bradley County Coordinating Committee has held the requisite public hearings pursuant to TCA 6-58-104;

Now Therefore, the Charleston/Cleveland/Bradley County Coordinating Committee submits to the Local Government Planning Advisory Committee the Bradley County Growth Plan for its approval pursuant to TCA 6-58-104.

Craig T. Mullenax
Chair, County Coordinating Committee

12-22-09
Date

**Resolution of Approval
By The
Local Government Planning Advisory Committee**

Whereas, the Charleston/Cleveland/Bradley County Coordinating Committee has submitted a County Growth Plan for Bradley County and its municipalities; and

Whereas, the Coordinating Committee has certified that the plan has been ratified pursuant to TCA 6-58-104;

Now, Therefore Be It Resolved by the Local Government Planning Advisory Committee that the Charleston/Cleveland/Bradley County Growth Plan is hereby approved and becomes effective this date.

Kathryn Baldwin by DCO
Chair, Local Government Planning Advisory Committee

1-27-10
Date

City of Cleveland

CLEVELAND, TENNESSEE
Office of the Mayor

Tom Rowland
Mayor



Cleveland Municipal Building
190 Church Street, N.E.
P.O. Box 1519
(423) 476-8931
(423) 559-3364 Fax

January 5, 2010

Dan Hawk
Local Government Planning Advisory Committee (LGPAC)
312 8th Avenue North
Tennessee Tower Building – 10th Floor
Nashville, TN 37243-0405

SUBJECT: Amendment to the Urban Growth Plan in Bradley County

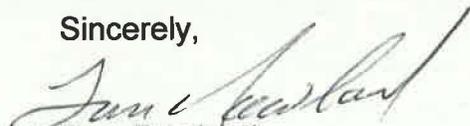
Mr. Hawk:

On December 3rd 2009 the Charleston/ Cleveland/Bradley County Urban Growth Plan Coordinating Committee recommended amendments to the Urban Growth Plan for local government approval. Originally the City of Cleveland had asked for about 7.5 sq miles to be added to the Urban Growth Boundary (UGB). The area recommended by the Coordinating Committee for inclusion in the City of Cleveland's UGB is smaller (about 1.1 sq miles) than the original area requested, however the final area is completely inside the original request. No other areas outside the original City of Cleveland UGB expansion request were added.

Bradley County and the Coordinating Committee took public comments on the Rural Areas in the Urban Growth Plan. Several parcels were identified as locations for Rural designation. Most significant were the areas along the Brymer Creek floodplain and a section of Bendabout Farms (a farm of about 2,700 acres that already had Conservation Easement with the Land Trust of Tennessee on part of it).

All of these amendments have been approved by Bradley County and its two municipalities. This serves as a request for LGPAC approval of this plan.

Sincerely,


Tom Rowland
Mayor, City of Cleveland



BRADLEY COUNTY GOVERNMENT

Post Office Box 1167
Cleveland, TN 37364-1167
Phone (423) 728-7108
Fax (423) 478-8884
www.bradleyco.net

December 21, 2009

Local Government Planning Advisory Committee
c/o Dan Hawk

Dear Mr. Hawk,

This letter serves as confirmation that all statutory obligations were met throughout the process of amending the Charleston/Cleveland/Bradley County Growth Plan as outlined in Public Chapter 1101. Both the Bradley County Planning Office and the City of Cleveland Office of Community Development worked closely with the State Planning Office and CTAS to ensure the process followed the correct procedure. Bradley County and its municipalities respectfully request approval of this submitted plan by the Local Government Planning Advisory Committee.

Respectfully,

A handwritten signature in cursive script, appearing to read "D. Gary Davis".

D. Gary Davis
Bradley County Mayor

RESOLUTION NO. 2009-63

**A RESOLUTION RECOMMENDING ADOPTION OF THE MUNICIPALITY URBAN GROWTH
BOUNDARY AMENDMENT BY THE BRADLEY COUNTY GROWTH BOUNDARY
COORDINATING COMMITTEE**

WHEREAS, Tennessee Code Annotated, Section 6-58-104, establishes a county-wide coordinating committee charged with the responsibility of developing a growth plan for Bradley County; and,

WHEREAS, Bradley County has an approved Growth Plan effective date June 28, 2000; and,

WHEREAS, Tennessee Code Annotated, Section 6-58-104(e)(1), allows that a municipality may propose an amendment to the coordinating committee after the expiration of three (3) years; and,

WHEREAS, Tennessee Code Annotated, Section 6-58-104, also requires said coordinating committee to give due consideration for amendment to such Urban Growth Boundaries as may be timely proposed and submitted to the coordinating committee by a municipal governing body in the County; and,

WHEREAS, the City Council of the City of Cleveland has reviewed Tennessee Code Annotated, Section 6-58-106 (a)(1), that outlines criteria for establishing such Urban Growth Boundaries and wishes to amend its Urban Growth Boundary in compliance with said legislation; and

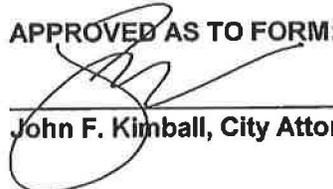
WHEREAS, the City Council of the City of Cleveland has identified an area that appears to fulfill the legislative requirements, as well as meeting the goals and objectives of the Municipality regarding efficient urban development and delivery of municipal services; and,

WHEREAS, pursuant to Tennessee Code Annotated, Section 6-58-106 (a)(3), the Municipality has held two (2) public hearings, and the time and place of each having been advertised in accordance with said legislation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland that the map entitled "Cleveland's Proposed Growth Plan Amendment," dated June 22, 2009, is hereby recommended to the Bradley County Growth Boundary Coordinating Committee as the official recommendation of the City of Cleveland, Tennessee, in the fulfillment of the legislation noted above.

This 22nd day of June, 2009.

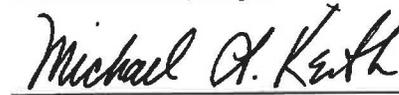
APPROVED AS TO FORM:



John F. Kimball, City Attorney



Tom Rowland, Mayor



Michael L. Keith, City Clerk

**City of Cleveland Urban Growth Boundary Expansion Report for
Areas A and B
May 26, 2009**

Mayor Rowland has asked County Mayor Davis to reconvene the Comprehensive Growth Plan Coordinating Committee to consider changes to the Growth Plan. This report is intended to meet the criteria of Public Chapter 1101 of 1998 and to give the response from the city departments. The proposed areas total about 7.5 sq miles and contain about 296 houses with an estimated population of about 740 people.

**CITY OF CLEVELAND, TENNESSEE
URBAN GROWTH BOUNDARY REPORT
PREPARED IN COMPLIANCE WITH PUBLIC CHAPTER 1101 OF 1998**

I. AUTHORITY

The authority for this report is the Tennessee Code Annotated 6-58-106, Growth Policy, Annexation and Incorporation Act of 1998 hereinafter called the Act.

II. CRITERIA

The urban growth boundary criteria are listed in Section 7 of the Act. The Cleveland City Council has committed the staff and their resources to achieve maximum compliance with the Act. The criteria for establishing the urban growth boundary is listed and addressed as follows:

- a. **Criteria Item (A): Identify territory that is reasonably compact yet sufficiently large to accommodate residential and nonresidential growth projected to occur over the next twenty (20) years.**

When the Urban Growth Boundary (UGB) was negotiated in 1999, the proposed additions to the UGB would not have been considered as part of the negotiations. Now, ten years later, substantial industrial opportunities have been presented due to the construction of the new Volkswagen Plant in Hamilton County, just 11 miles from the current southern border of the City limits.

To accommodate this potential industrial development, it is now appropriate to add the area south of APD-40 (hereafter referred to as Area A) and an area on the north side of the City where the new airport is planned at Tasso Lane (hereafter referred to as Area B). The potential development in Areas A and B would be an asset to the City, and therefore should be included in the UGB.

The sewer lines follow Brymer Creek so the most efficient way to serve this area is to encourage development on Brymer Creek Road over to Bancroft Road until it goes under the Interstate. Bancroft Road is the most rational location for a new interstate interchange in the county. The ridge and valley topography have dictated the location of the interstate and makes following the interstate a realistic way to maintain compact development that is sufficient to serve the needs of the development we are anticipating.

b. Criteria Item (B): Identify territory that is contiguous to the existing boundaries of the community.

Both Areas A and B are connected to the current UGB or the current City limits with no islands.

c. Criteria Item (C): Identify territory that a reasonable and prudent person would project as the likely site of high density commercial, industrial, and or residential growth over the next twenty (20) years based on historical experience, economic trends, population growth patterns and topographical characteristics.

The experiences of other cities around auto manufacturing facilities have informed the decision to include Area A in the UGB.

Recent national and regional economic trends have been negative. Negative trends in an economic sector can heavily impact a local economy. The town of Dalton, GA, just to the south of Bradley County, has been severely affected because of their heavy reliance on the flooring industry. This industry was affected early on by the slow home construction sector of the economy. This experience and that of other communities suggests that economic diversity with strengths in several economic sectors, including various types of manufacturing, can protect communities from economic downturns.

The economic future looks brighter for Bradley County and Cleveland than most

areas of the state and country because of the two German companies making plans to come to this region (Volkswagen and Wacker Chemie). The city and county have chosen to be proactive in planning for the new industries and their suppliers. The expansion of the UGB in Area A is a major step in this planning process.

The population projection for the county as provided by the University of Tennessee's Center for Business and Economic Research (CBER) show a 23% population growth from 2000 to 2030 in Bradley County compared to a 7% growth in population for the same time period in Hamilton County. The potential growth from both of the new industries in the area is higher for Bradley County than Hamilton County because of the availability of land for development. Accommodating this growth is the rationale for the expansion of the UGB.

	2000	2005	2010	2015	2020	2025	2030
Bradley	87965	92288	95755	100980	104536	108917	113241
Hamilton	307896	323426	326104	327665	328290	329514	329365

The population in Bradley County (including the City) tends to settle in the valleys at greater density than on the ridges. This pattern of ridges and valleys has dictated the transportation network and accommodated I-75 and Lee Highway in their current locations. Area A lies mostly between these two corridors providing parallel access routes to both the north and the south.

The current airport is in the City limits. Expanding the UGB to include the entire proposed airport site allows for the possibility of once again having the airport in the City limits. This consideration is the rationale for including Area B.

The proposed UGB is entirely within the Hiwassee River Watershed, except for the extreme edge on the county border of the White Oak Mountain portion of Area A, making connections to sewer lines possible.

d. Criteria Item (D): Identify territory in which the municipality is better able and prepared than other municipalities to efficiently and effectively provide urban level services.

The City of Cleveland is centrally located in Bradley County and is the only municipality in the county providing all services generally considered as vital

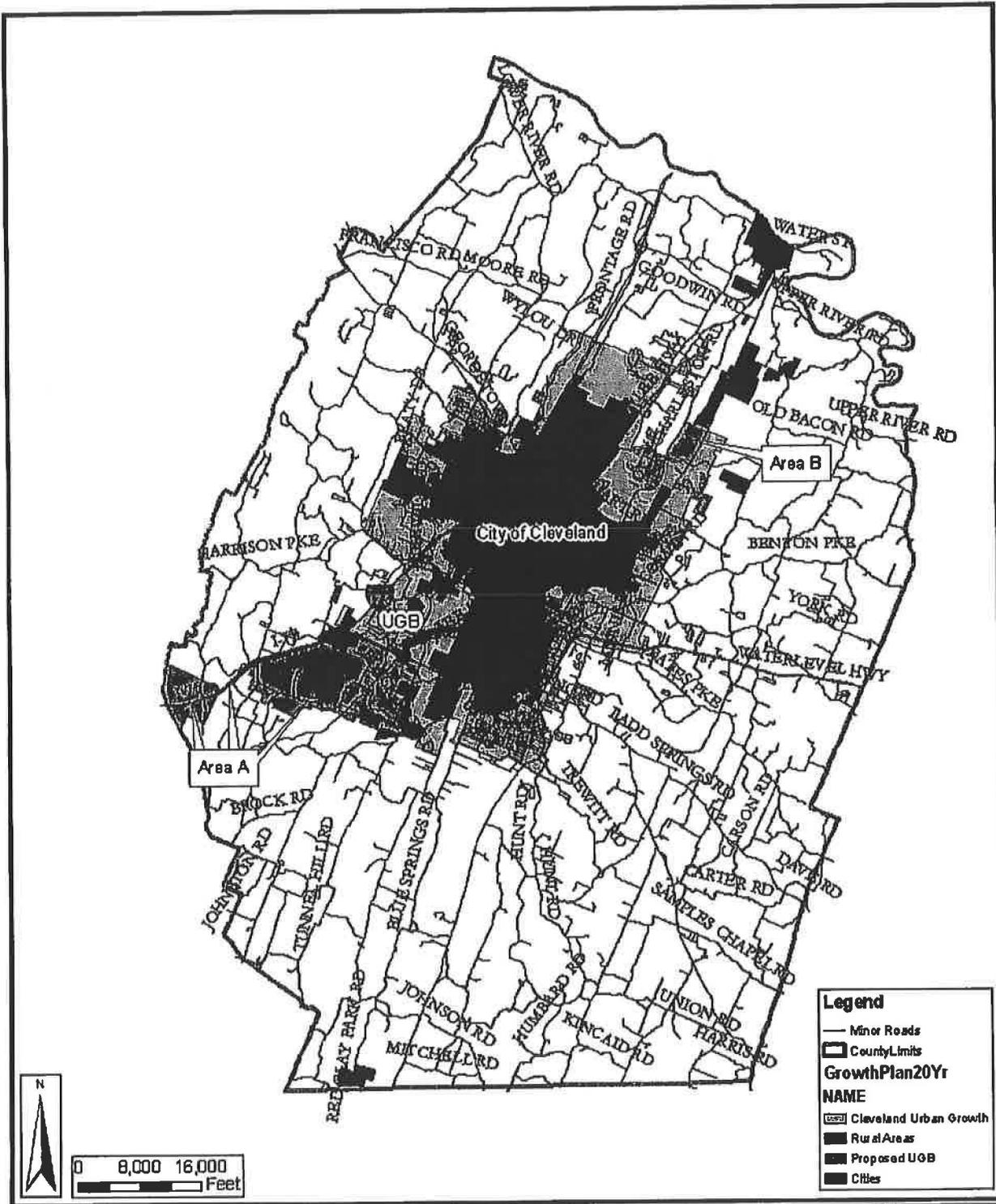
urban level services. The boundary between Bradley County and Hamilton County runs roughly along the crest of White Oak Mountain. The crest divides Watersheds. Sewer is easier to run downhill, so Cleveland would be in a better position to provide all urban services on the Bradley County side of White Oak Mountain.

- e. **Criteria Item (E): Reflect the municipality's duty to facilitate full development of resources within the current boundaries of the municipality and to manage and control urban expansion outside of such current boundaries, taking into account the impact to agricultural lands, forests, recreational area and wildlife management areas.**

With the exception of completion of the Cleveland Utilities Water and Sewer Division portion of the Plan of Services for areas annexed since 2006, land within the Cleveland corporate limits is served with basic urban services subject to the policy of the city. These utility projects are in process and are expected to be completed on schedule.

Land development outside the corporate limits of the city since 1960 has been influenced primarily by the availability of land, topography, utility extension policies that worked to provide water for domestic use, electricity and good access by public roads. Still, the City and the urban fringe remain relatively compact with about 50% of the county population residing within the 50 square mile fringe area. The impact of land development particularly upon agricultural lands and forests has been the conversion of these lands to other land uses. Recreational areas located within the proposed UGB include a Methodist Camp, the school on Brymer Road and the general recreation use of the Candies Creek drainage area. There are no wildlife management areas located within the proposed UGB area. There are pockets of wetlands in the proposed Areas as are typical for Bradley County in general. A significant portion of the Areas to be included are wooded or forested.

Compactness of future growth and development should be maintained and encouraged with implementation of the UGB, utility extension plans and annexation plans. Areas A and B represent logical extensions of urban growth given factors such as the existing roadway network.



Cleveland's Proposed UGB Area
05-26-09



Date: 05/26/09
 Prepared by: [Name]
 Title: [Title]
 Project: [Project Name]

Reports from City of Cleveland Departments

The original May 1999 UGB Report demonstrates the ability of the City of Cleveland to serve and the reasonableness of inclusion of the areas in the current UGB.

Public Works Department:

1. Refuse Collection

- a. Current city policies regarding residential, commercial and industrial refuse will apply in all proposed areas per the terms of the City's contract with Waste Connections of Tennessee, Inc.
- b. The City no longer provides curbside recycling and this service will not be provided in the proposed areas, unless the City Council initiates a program in the future.

2. Route Collection Services

- a. Current city policies regarding residential debris, brush, and white good collections will apply in all proposed Areas and will begin at the time of annexation. Each residence will be included in the City's ten route collection system and will receive a twice monthly pickup. After evaluation of the proposed Areas, it has been determined that additional equipment will be required in order to adequately provide these services. This would include a dump truck & knuckleboom at an approximate cost of \$120,000. The current manpower would be adequate.
- b. The current City policies regarding leaf collection will be provided annually for a period of approximately three to four months and will apply in all proposed Areas.

3. STREET REPAIR AND MAINTENANCE

- a. Emergency maintenance of City streets (i.e. repairing hazardous potholes) within the proposed Areas will begin at time of annexation.
- b. Routine maintenance of local streets in the proposed Areas will be scheduled on the same basis as such maintenance in the rest of the City.
- c. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such substantial improvements in the proposed Areas (where identified as needed by the governing body) will be accomplished in accordance with the priorities and

policies established for the entire city.

d. Within three years of the proposed annexation, street name signs will be installed in all of the substantially developed intersections located within the annexation areas. All major streets in the proposed Areas, which are in need of striping/painting, will be striped/painted according to established standards within three years of annexation.

4. Stormwater and Drainage Services

No major drainage problems were identified in these areas. However, the proposed Areas will be further studied and evaluated in order to identify erosion or drainage needs. Emergency drainage maintenance (i.e. cleaning catch basins, unstopping tile, installing drainage tile and/or catch basins) within these areas will begin at time of annexation.

5. GENERAL RIGHTS-OF-WAY MAINTENANCE (I.E. MOWING, STREET SWEEPING, SNOW REMOVAL)

a. Current City policies for routine mowing, trimming/removal/replacement of trees, and hand litter pickup of street rights-of-way of local streets will be scheduled on the same basis as in the rest of the City and will apply in all proposed areas. After evaluation, it has been determined that additional manpower (\$32,000-salary & benefits) and mowing equipment (\$20,000) will be required in order to adequately provide these services.

b. Current City policies for routine street sweeping will be scheduled on the same basis as in the rest of the City and will apply in all proposed areas.

c. Current City policies for snow removal and salting will be scheduled on the same basis as in the rest of the City and will apply in all proposed areas.

6. Code Enforcement Services

Current City policies for code enforcement services will be provided for all proposed Areas and will be effective at time of annexation. The need for increased manpower and equipment will be further evaluated.

ROADWAY SUMMARY REPORT

The roadways in the proposed Areas appear to be acceptable. The wearing surface

should have approximately five to ten years of life before requiring resurfacing. However, the roads will require normal routine maintenance such as potholes and other patching repairs. Roadways were not core drilled to determine the base type and depth. There were several narrow roads and roadways which had dead-ends with no turnaround or cul-de-sac. Not knowing the type or depth of the base level, it will be difficult to determine how the weight of garbage collection trucks will impact the road surfaces.

Additional notes

The UGB Area denoted in this email and your subsequent paper copy dated May 14, 2009 shows the southeast quadrant of Exit 20 to Bancroft Road, I-75, and an area near the Bradley County line on both sides of I-75. It is likely that the future growth in the southeast quadrant of Exit 20 and the new interchange across APD 40, a new fire hall on either the north or south side of APD 40 will be necessary. This action will meet the 1.5 mile distance rule for ISO and provide overlap from the proposed fire hall at the Westland Drive site.

The area to be considered in the UGB near the Bradley County line (Area A) presents very different problems in the provision of public services by City of Cleveland's staff/departments. Access will be a major issue for all services. Between Exit 11 (Ooltewah) and Exit 20 there are only two (2) overpasses that could be used for a new interchange. One is located at Bancroft Road and the other at Owl Hollow Trail. The zone near the county line is the White Oak Mountain area where the rest area on the interstate is located. Owl Hollow Trail is the only location along the interstate that has an overpass in this zone. Ridges between Owl Hollow and Bancroft Road prevent access along the interstate to Bancroft Road. There is over a 100 foot elevation change from Owl Hollow Trail roadway and the ridges within all four quadrants of I-75 and Owl Hollow Trail. The terrain is very steep in the area between the rest area and north of Owl Hollow Trail. The fire hall near the APD-40 interchange will be outside the 1.5 mile requirement for this area. Emergency and services access will be from Harrison Pike at Owl Hollow or from South Lee Highway at Owl Hollow Trail which is in Hamilton County. This area needs to be reexamined to determine if it will sustain commercial growth, residential growth based on the lay of the land and if access to the interstate can be obtained for emergency services.

Cleveland Fire Department:

The expansion of the UGB to the south below Exit 20 will create the need for an additional Fire Station location in that area. For optimal credit for ISO purposes each station district should overlap every 1.5 miles which would mean in an ideal

situation, each station would be located three (3) miles apart.

The City of Cleveland currently owns land at the intersection of Westland Drive and Volunteer Drive and plans to construct a sixth Fire Station in the near future. This location is slightly less than 3 miles from the Exit 20 interchange.

The projected costs for planning purposes, of a new station, a new fire engine, and 15 personnel for staffing would be approximately **\$2.6 million dollars** with approximately \$1 million dollars of that being recurring costs.

Expanding the UGB northward beyond Tasso Lane would have no greater impact in this area than is already present. There is the current need for an additional Fire Station in the northeast industrial area.

Cleveland Police Department:

The Police Department foresees significant additions to personnel, equipment and operations to serve the study area. A ratio of 2.3 officers for every 1000 citizens is as low as the department should allow. Each additional intersection and driveway cut adds a point where an auto accident could occur. The City is currently divided into 5 sectors with one officer in each sector 24/7. A twenty percent growth in the City would add an additional sector for the police department to cover. Including the cost of salary, benefits, testing and equipment additional officers cost **\$94,178.90** each.

Parks and Recreation:

The existing facilities in the city provide an acceptable level of recreation services. The UGB expansion would require expansion of basic recreation facilities especially ballfields, tennis courts and passive recreation areas. The expansion of these type recreation facilities could be programmed to begin about the year 2015 or as the more populated portions of the UGB are incorporated into the city. The portion of Area A on White Oak Mountain would be an ideal location for a passive recreation park.

Cleveland Utilities, Electric Division:

The part of the UGB expansion Area A, east of South Lee Highway and the area around the APD-40 and South Lee Highway interchange is currently served by Cleveland Utilities. The rest of Area A and Area B are not. Cleveland Utilities would need to purchase the infrastructure from Volunteer Electric if areas not currently served are brought into the city. This would include 25% of the revenue generated from these lines for the next 10 years and the cost of reconnecting any current Volunteer Electric customers that are orphaned or cut off by any annexations. To

provide services up to the White Oak Mountain portion of Area A would cost **\$400,000 to \$500,000** or more. This is prohibitive if there were only a handful of customers.

Cleveland Utilities, Water Division:

To serve Area A with water and sewer would cost \$1,600,000.

To serve Area A with water and sewer would cost \$600,000.

The following table shows a more detailed cost estimate for the portion of Area A not including the White Oak Mountain portion.

SANITARY SEWER SYSTEM EXPANSION				
ITEM	UNIT	LENGTH	UNIT COST	TOTAL
20" Gravity Sewer	LF	3,600	\$ 250	\$ 900,000
18" Gravity Sewer	LF	15,200	\$ 200	\$ 3,040,000
12" Gravity Sewer	LF	16,300	\$ 150	\$ 2,445,000
10" Gravity Sewer	LF	3,000	\$ 125	\$ 375,000
8" Gravity Sewer	LF	31,850	\$ 100	\$ 3,185,000
SUB-TOTAL				\$ 9,945,000
Easements(5%of Sewer Costs)				\$ 497,250
Administration & Engineering(10%)				\$ 994,500
Contingencies(10%)				\$ 994,500

TOTAL				\$12,431,250
WATER SYSTEM EXPANSION				
12" DI Water Main	LF	29,500	\$ 50	\$ 1,475,000
Administration & Engineering(10%)				\$ 147,500
Contingencies(10%)				\$ 147,500
TOTAL				\$ 1,770,000

Cleveland City School System:

The annexation of Areas A and B would have a minimal impact on our school population and upon school bus service to those areas.

November 17, 2008

D. Gary Davis, Bradley County Mayor
Bradley County Courthouse
P. O. Box 1167
Cleveland, TN 37364-1167

Dear Gary:

The city council passed a resolution authorizing me to request that you reconvene the Local Growth Coordinating Committee. This of course is to determine new growth boundaries to determine annexation needs of the City of Cleveland.

Please advise as to scheduling dates.

Sincerely,

Tom Rowland, Mayor
City of Cleveland

cc: Mayor Walter Goode
City of Charleston



BRADLEY COUNTY PLANNING

Post Office Box 1167
Cleveland, TN 37364-1167
Phone (423) 728-7108
Fax (423) 478-8884
www.bradleyco.net

April 16, 2009

Re: Bradley/Cleveland Comprehensive Growth Plan

Bradley County Soil Conservation District
c/o Mr. John Moore
770 Stuart Rd
Cleveland, TN 37312

Dear Mr. Moore,

The City of Cleveland has requested a renegotiation of the growth boundaries as outlined in the Comprehensive Growth Plan originally ratified in 2000. The adopted plan was designated to guide growth through the year 2020, however, it may be amended at the request of any local government entity. The first step in the renegotiation process is for the Coordinating Committee to be reconvened in order to study and make recommendations concerning changes in the Urban Growth, Planned Growth, and Rural Area Boundaries. The County's Soil Conservation District is entitled to one appointment on this committee to represent the County's agricultural interests as outline in T.C.A. 6-58-104.

This letter serves as formal notification, on behalf of Mayor D. Gary Davis, that the Coordinating Committee is officially being reconvened. Please contact the Bradley County Planning Office at 423-728-7108 at your earliest convenience to inform us if you will continue to serve on this committee or another individual as appointed by your Board of Directors. If possible, we would like to schedule our first meeting by June 1, 2009. We look forward to working with you as Charleston, Cleveland, and Bradley County grow together toward a bright and prosperous future.

Respectfully Yours,

Corey Divel, Bradley County Planner

CITY OF CHARLESTON, TENNESSEE

RESOLUTION 2009-__

**A Resolution to Approve the Twenty-year Growth Plan
Charleston/Cleveland/Bradley County, Tennessee, December 2009**

WHEREAS, pursuant to Tennessee Code Annotated 6-58-104, a "20-Year Growth Plan" for Bradley County, Tennessee, including the Cities of Charleston and Cleveland, was developed and recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee, ratified by all local governments in Bradley County, and became effective in the year 2000 upon its approval by the Local Government Planning Advisory Committee; and

WHEREAS, pursuant to Tennessee Code Annotated 6-58-104 (d)(1), an approved Growth Plan is to stay in effect for not less than three years, absent a showing of extraordinary circumstances; and

WHEREAS, said three year period has expired and the Bradley County 20-Year Growth Plan can be amended, provided that Tennessee Code Annotated 6-58-101 (d)(1) requires that procedures for amending an approved County Growth Plan shall be the same as the procedures for establishing the original plan; and

WHEREAS, the City of Cleveland has submitted proposed amendments to the 20-Year Growth Plan in the form of an expansion of the City of Cleveland Urban Growth Boundary, with said amendments having been duly introduced by the City of Cleveland, then considered and recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee pursuant to the requirements of Tennessee Code Annotated 6-58-104; and

WHEREAS the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee has reviewed the proposed amendments submitted by the City of Cleveland and, after receiving input from the public and City of Cleveland officials, has recommended changes in the growth plan as shown in Exhibit A, that is attached hereto and incorporated herein,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charleston, Tennessee hereby ratifies the amended Bradley County Growth Plan, described in Exhibit A and now entitled "**Twenty-year Growth Plan, Charleston/Cleveland/Bradley County, Tennessee, December, 2009**", as recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee.



Walter Goode, Mayor



Janet Newport, Recorder

12-8-09

DATE

BRADLEY COUNTY, TENNESSEE

**A Resolution to Approve the Twenty-year Growth Plan
Charleston/Cleveland/Bradley County, Tennessee, December 2009**

WHEREAS, pursuant to Tennessee Code Annotated 6-58-104, a "20-Year Growth Plan" for Bradley County, Tennessee, including the Cities of Charleston and Cleveland, was developed and recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee, ratified by all local governments in Bradley County, and became effective in the year 2000 upon its approval by the Local Government Planning Advisory Committee; and

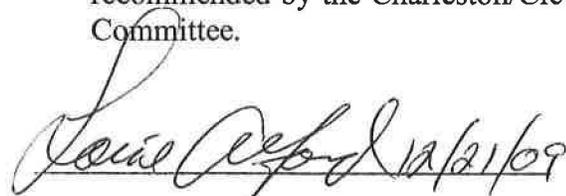
WHEREAS, pursuant to Tennessee Code Annotated 6-58-104 (d)(1), an approved Growth Plan is to stay in effect for not less than three years, absent a showing of extraordinary circumstances; and

WHEREAS, said three year period has expired and the Bradley County 20-Year Growth Plan can be amended, provided that Tennessee Code Annotated 6-58-101 (d)(1) requires that procedures for amending an approved County Growth Plan shall be the same as the procedures for establishing the original plan; and

WHEREAS, the City of Cleveland has submitted proposed amendments to the 20-Year Growth Plan in the form of an expansion of the City of Cleveland Urban Growth Boundary, with said amendments having been duly introduced by the City of Cleveland, then considered and recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee pursuant to the requirements of Tennessee Code Annotated 6-58-104; and

WHEREAS the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee has reviewed the proposed amendments submitted by the City of Cleveland and, after receiving input from the public and City of Cleveland officials, has recommended changes in the growth plan as shown in Exhibit A, that is attached hereto and incorporated herein,

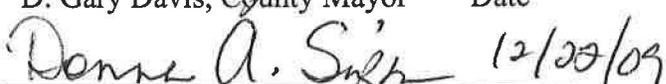
NOW, THEREFORE, BE IT RESOLVED that the County Commission of Bradley County, Tennessee hereby ratifies the amended Bradley County Growth Plan, described in Exhibit A and now entitled "**Twenty-year Growth Plan, Charleston/Cleveland/Bradley County, Tennessee, December, 2009**", as recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee.



Louie Alford, Chairman

 12/21/09

D. Gary Davis, County Mayor Date

 12/22/09

Donna Simpson, County Clerk Date

CITY OF CLEVELAND, TENNESSEE

RESOLUTION 2009-128

**A Resolution to Approve the Twenty-year Growth Plan
Charleston/Cleveland/Bradley County, Tennessee, December 2009**

WHEREAS, pursuant to Tennessee Code Annotated 6-58-104, a "20-Year Growth Plan" for Bradley County, Tennessee, including the Cities of Charleston and Cleveland, was developed and recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee, ratified by all local governments in Bradley County, and became effective in the year 2000 upon its approval by the Local Government Planning Advisory Committee; and

WHEREAS, pursuant to Tennessee Code Annotated 6-58-104 (d)(1), an approved Growth Plan is to stay in effect for not less than three years, absent a showing of extraordinary circumstances; and

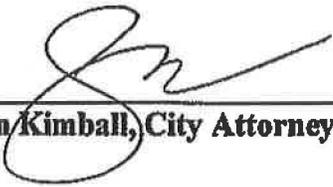
WHEREAS, said three year period has expired and the Bradley County 20-Year Growth Plan can be amended, provided that Tennessee Code Annotated 6-58-101 (d)(1) requires that procedures for amending an approved County Growth Plan shall be the same as the procedures for establishing the original plan; and

WHEREAS, the City of Cleveland has submitted proposed amendments to the 20-Year Growth Plan in the form of an expansion of the City of Cleveland Urban Growth Boundary, with said amendments having been duly introduced by the City of Cleveland, then considered and recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee pursuant to the requirements of Tennessee Code Annotated 6-58-104; and

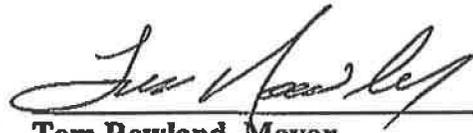
WHEREAS the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee has reviewed the proposed amendments submitted by the City of Cleveland and, after receiving input from the public and City of Cleveland officials, has recommended changes in the growth plan as shown in Exhibit A, that is attached hereto and incorporated herein,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cleveland, Tennessee hereby ratifies the amended Bradley County Growth Plan, described in Exhibit A and now entitled "**Twenty-year Growth Plan, Charleston/Cleveland/Bradley County, Tennessee, December, 2009**", as recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee.

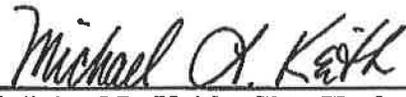
APPROVED AS TO FORM:



John Kimball, City Attorney



Tom Rowland, Mayor



Michael L. Keith, City Clerk

EXHIBIT A

Exhibit A consists of three maps, two tables, and the text below that describes the Charleston/Cleveland/ Bradley County Growth Policy Coordinating Committee actions of November 30, 2009 and December 3, 2009. The three maps included in Exhibit A are **UGB Area A 12-03-2009, UGB Area B 12-03-09 and Charleston/Cleveland/Bradley County Growth Plan 12-3-09**. The two tables included in Exhibit A are **Tax Parcels & ROWs Recommended to be Added to the Urban Growth Plan and New Parcels in the Rural Area**.

Coordinating Committee Actions

The Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee meeting of November 30, 2009 at the United Community Bank on Keith Street was adjourned to December 3, 2009 in the Bradley County Commission Chambers to allow more room for the interested public. After a brief overview by Coordinating Committee Chair Craig Mullinax of the City of Cleveland UGB expansion area proposals, the input received by the Coordinating Committee thus far (including two public hearings November 17 and November 24, 2009), and some modifications considered by the Coordinating Committee in light of the input received thus far, the floor was opened for public comments and questions. In general, the comments were supportive of the reduced UGB expansion area being considered by the Coordinating Committee. Following public comments, the Coordinating Committee made and approved the following motions at its December 3, 2009 meeting:

UGB expansion Area B

Motion: Bruce Renner made a motion that the UGB expansion in Area B as shown on the map dated 12-3-09 be approved as presented. Larry Anderson seconded the motion.

John Moore made a motion to table the issue. John Moore and Jim Barger vote in favor of the motion. Dr. Mel Griffith, Larry Anderson, Craig Mullinax, Jim Richmond, Bruce Renner, Johnny McDaniel voted in opposition to the motion. Motion to table fails 2-6.

Roll call taken on the original motion- Dr. Mel Griffith, Larry Anderson, Craig Mullinax, Jim Richmond, Bruce Renner, Johnny McDaniel voted in favor of the motion. Jim Barger and John Moore voted in opposition to the motion. Motion carries 6-2.

UGB expansion Area A

Motion: Bruce Renner made a motion that the UGB expansion in Area A as shown on the map dated 12-3-09 be approved as presented with the exception that the UGB stop at mile marker 19 on the Interstate 75 ROW. Larry Anderson seconded the motion. Dr. Mel Griffith, Larry Anderson, Craig Mullinax, Jim Richmond, Bruce Renner, Johnny

McDaniel, Jim Barger voted in favor of the motion. John Moore voted in opposition to the motion. Motion carries 7-1.

Rural Areas

Jim Richmond made a motion that all Rural Area requests larger than one acre or contiguous with larger tracts be approved unless the property owners request to be removed within 30 days. Jim Barger seconds the motion. Motion is withdrawn after discussion.

Jim Richmond made a motion to approve all Rural Areas as requested and as shown on map dated 12-3-09. John Moore seconded the motion. Motion carries unanimously.

Entire Map

Bruce Renner made a motion to include all three changes as amendments to the original growth plan. Larry Anderson seconds the motion. Dr. Mel Griffith, Larry Anderson, Craig Mullinax, Jim Richmond, Bruce Renner, Johnny McDaniel, Jim Barger voted in favor of the motion. John Moore voted in opposition to the motion. Motion carries 7-1.

Next Meeting

Jim Barger made a motion to cancel the meeting scheduled for Monday, December 07, 2009. Bruce Renner seconded the motion. Motion carries unanimously.

Bruce Renner made a motion to adjourn the meeting. Motion carries unanimously.

Tax Parcels & ROWs Recommended to be Added the Urban Growth Boundary

TAX PARCEL #	CALC_ACRE	ACRES ON DEED	STREET	STREET #
006035 01102	98.779531		0 DRY VALLEY RD NE	261
006056 04500	99.420288		27.5 STONE LAKE RD SW	
006056 08406	2.562016		2.5 MASON RD SW	459
006056 08700	162.969752		0 JOHNSON SCHOOL RD SW	312
006056 08414	2.537015		2.5 MASON RD SW	475
006064 00501	8.814872		0 SOUTH LEE HWY SW	
006064 00200	96.287827		0 JOHNSON SCHOOL RD SW	408
006064 01300	8.814872		0 SOUTH LEE HWY SW	3086
006064 01301	8.814872		0 SOUTH LEE HWY SW	3086
006064 00503	8.814872		0.85 SOUTH LEE HWY SW	3076
006064 00505	8.814872		0 SOUTH LEE HWY SW	
006056 04302	0.53687		0.54 PLEASANT GR RD SW	
006056 05106	8.85634		8.9 STONE LAKE RD SW	
006056N A 00100	0.50189		0 HUMPHREY BRIDGE RD SW	2848
006056 08400	1.05102		1 MASON RD SW	109
006056N B 02200	1.02949		0 MILL COVE LN SW	149
006056N B 02100	0.64299		0 MILL COVE LN SW	141
006056 05103	9.2939		0 HUMPHREY BRIDGE RD SW	2642
006056 08411	3.56596		3.52 MASON RD SW	432
006064 00400	3.82301		3.5 SOUTH LEE HWY SW	3180
006056 05132	5.556149		6.34 STONE LAKE RD SW	
006056 05122	10.11074		10 STONE LAKE RD SW	401
006056 05126	11.58803		12.7 STONE LAKE RD SW	473
006064 00502	1.6451		1.55 JOHNSON SCHOOL RD SW	173
006064 00700	3.73652		4 JOHNSON SCHOOL RD SW	147
006056 05134	1.03623		0.75 STONE LAKE RD SW	449
006056 08901	1.13249		1.55 HUMPHREY BRIDGE RD SW	
006056N B 01400	0.66227		0 MAPLE MILL LN SW	131
006056 05129	4.62279		3.67 STONE LAKE RD SW	
006056N B 01100	0.55386		0	
006056 05121	9.6807		0 STONE LAKE RD SW	
006056 08500	11.56561		12 MASON RD SW	510
006056 05131	8.77651		9.23 STONE LAKE RD SW	
006056 05128	2.955291		3.3 STONE LAKE RD SW	469
006056N A 00700	0.51483		0 MILL COVE LN SW	120
006056N B 01500	0.83292		0 MAPLE MILL LN SW	141
006056N B 01300	0.76036		0 MAPLE MILL LN SW	121
006056N B 00100	0.60012		0 JOHNSON SCHOOL RD SW	224
006056N B 00800	0.50261		0 HUMPHREY BRIDGE RD SW	2940
006056N B 00700	0.50459		0.5 HUMPHREY BRIDGE RD SW	2964
006056N B 00500	0.49596		0 HUMPHREY BRIDGE RD SW	2984
006056 05130	8.71986		8.86 STONE LAKE RD SW	
006064 00202	8.72054		8.6 JOHNSON SCHOOL RD SW	345
006056N A 00500	0.53577		0 HUMPHREY BRIDGE RD SW	2912
006056 05123	11.20112		11.15 STONE LAKE RD SW	327
006056N A 00600	0.50175		0 HUMPHREY BRIDGE RD SW	2928
006056 08902	1.406623		1.45 SOUTH LEE HWY SW	
006056 09701	1.02116		1 JOHNSON SCHOOL RD SW	
006056 08800	0.32889		0 HUMPHREY BRIDGE RD SW	
006056N B 00400	0.66575		0 HUMPHREY BRIDGE RD SW	2998
006056 08802	0.76218		0.79 HUMPHREY BRIDGE RD SW	2925
006056 04600	340.35899		0 SPRING BRANCH RD SW	436

006056	05133	22.13387	0 STONE LAKE RD SW	
006056	08413	2.47671	2.51 MASON RD SW	400
006056	05101	1.886552	1.86 STONE LAKE RD SW	431
006056	08300	16.30341	0 MASON RD SW	290
006056N B	00300	0.87861	0 JOHNSON SCHOOL RD SW	194
006056	08401	5.12998	5 MASON RD SW	399
006056	08404	3.461938	3.66 MASON DR SW	276
006056	08700	17.04871	0 JOHNSON SCHOOL RD SW	312
006056	08408	2.75764	0 MASON RD SE	377
006056N B	03000	0.68153	0 MILL COVE LN SW	199
006056N A	01800	0.54012	0 MILL COVE LN SW	221
006056	08407	2.67446	2.5 MASON RD SE	239
006056	08100	2.05784	1.7 HUMPHREY BRIDGE RD SW	2784
006056	08412	0.98133	0	
006056N A	01900	0.75253	0 MILL COVE LN SW	231
006056N B	02700	0.57723	0 MILL COVE LN SW	171
006056	07800	0.63211	0.63 SOUTH LEE HWY SW	2752
006056	07902	0.94578	0.79 SOUTH LEE HWY SW	2760
006056	07903	1.33341	0 SOUTH LEE HWY SW	2764
006056N B	01000	0.53652	0 MILL COVE LN SW	101
006056	08300	2.57246	0 MASON RD SW	290
006056N B	01200	0.5425	0 MAPLE MILL LN SW	115
006056N B	00900	0.51055	0 HUMPHREY BRIDGE RD SW	2938
006056	08000	0.97733	1 HUMPHREY BRIDGE RD SW	2808
006056N B	02900	0.4912	0 MILL COVE LN SW	187
006056	08801	0.43717	0 HUMPHREY BRIDGE RD SW	
006056N B	00200	0.5481	0 JOHNSON SCHOOL RD SW	214
006064	00900	2.612221	2.4 SOUTH LEE HWY SW	2930
006056	08205	0.63378	0.48 JOHNSON SCHOOL RD SW	194
006064	00800	1.17744	1.5 HUMPHREY BRIDGE RD SW	2939
006064	00600	1.03441	0 HUMPHREY BRIDGE RD SW	
006064	01000	0.67342	1 SOUTH LEE HWY SW	
006056	08409	4.76285	0 MASON RD SW	452
006064	01100	1.4028	1 SOUTH LEE HWY SW	
006056N B	02800	0.52152	0 MILL COVE LN SW	177
006056N B	02500	0.47794	0 MILL COVE LN SW	161
006056	08201	0.92605	0 HUMPHREY BRIDGE RD SW	2826
006056N A	01300	0.59273	0 MILL COVE LN SW	180
006056	08301	1.608388	1.5 JOHNSON SCHOOL RD SW	
006056N A	01500	0.80065	0	
006056N A	01000	0.61167	0 MILL COVE LN SW	150
006056	08300	31.62997	0 MASON RD SW	290
006056	08405	3.65053	3.52 MASON RD SE	221
006056	08203	9.63148	0 HUMPHREY BRIDGE RD SW	2836
006056	08903	2.30497	2 SOUTH LEE HWY SW	2862
006056N B	02000	0.55975	0 MAPLE MILL LN SW	102
006056N B	00600	0.49968	0.5 HUMPHREY BRIDGE RD SW	2964
006056N A	01400	0.53174	0 MILL COVE LN SW	190
006056	08900	2.10683	2.02 HUMPHREY BRIDGE RD SW	
006056	07904	0.86154	0.84 SOUTH LEE HWY SW	
006056N B	02400	0.5729	0	
006056N A	01700	0.593	0 MILL COVE LN SW	220
006056N A	00400	0.51445	0 HUMPHREY BRIDGE RD SW	2892
006056N B	02600	0.66967	0 MILL COVE LN SW	169
006056N A	01600	0.70335	0 MILL COVE LN SW	210

006056N B 01600	0.60678	0 MAPLE MILL LN SW	142
006056N B 01700	0.60661	0 MAPLE MILL LN SW	132
006056N B 01800	0.61961	0 MAPLE MILL LN SW	122
006056N B 01900	0.51267	0 MAPLE MILL LN SW	112
006056 09700	5.27519	5.2 JOHNSON SCHOOL RD SW	316
006056 08904	0.44237	0.63 HUMPHREY BRIDGE RD SW	2843
006056N A 01100	0.4696	0 MILL COVE LN SW	160
006056N A 00300	0.55304	0 HUMPHREY BRIDGE RD SW	2878
006056N A 00800	0.52412	0 MILL COVE LN SW	140
006056N B 02300	0.87878	0 MILL COVE LN SW	151
006056N A 01200	0.36807	0 MILL COVE LN SW	170
006056N A 00200	0.51469	0 HUMPHREY BRIDGE RD SW	2862
006064 00500	5.6257	4.9 SOUTH LEE HWY SW	3156
006064 00300	0.23987	0 BRYMER CREEK RD SW	132
006064 00504	0.2285	0 SOUTH LEE HWY SW	
006064 00201	0.63548	0 JOHNSON SCHOOL RD SW	496
006056 08100	0.02696	1.7 HUMPHREY BRIDGE RD SW	2784
006056 09001	2.04373	2 SOUTH LEE HWY	
006056 09000	6.2961	6.38 HUMPHREY BRIDGE RD SW	2809
006056 08415	2.876364	2.9 MASON DR SW	
006035 05900	48.845881	0 TASSO LN NE	1227
006035 01109	13.954233	13.78 DRY VALLEY RD NE	261
006035 01104	7.96351	0 DRY VALLEY RD NE	261
006035 00601	45.430621	40 DRY VALLEY RD NE	
006035 01200	11.69797	11.8 DRY VALLEY RD NE	

Additional Areas of Right-of-Way (ROW)

1. From the current City Limits sign down to Mile Marker 19 of Interstate 75 ROW
2. From the current UGB Line along the East ROW line on South Lee Highway to the North ROW line of Franklin and then crossing South Lee to the North ROW line of Brymer Creek Road
3. The railroad ROW in Area B
4. All of Mason Rd SW ROW, Humphrey Bridge Rd. SW ROW and Johnson School Rd SW ROW

New Parcels in the Rural Area

GISLINK	CALC_ACRE	acres_deed	street_nam	street_num
006063 02500	122.083069		0 BRYMER CREEK RD SW	1231
006071 00518	23.024286	23.22	BAUGH SPRINGS RD SW	1380
006063 03309	23.282049		0 BAUGH SPRINGS RD SW	940
006063 03400	26.58288	26	BAUGH SPRINGS RD SW	973
006071 00515	12.245	12	BANCROFT RD SW	2505
006071 00506	22.94529	22.61	BAUGH SPRINGS RD SW	1430
006071 00503	9.84082	9.38	BAUGH SPRINGS RD SW	
006071 02500	10.42117	10.18	SOUTH LEE HWY SW	5057
006063 05405	0.35485	0	BANCROFT RD SW	2189
006071 00500	31.57385	31.41	BAUGH SPRINGS RD SW	1501
006063 03307	2.633543	2.73	BANCROFT RD SW	2033
006063 00707	5.1332	0	BANCROFT RD SW	1810
006063 00713	5.397833	5.09	BANCROFT RD SW	1786
006055 00200	54.261653	0	BANCROFT RD SW	
006055 00202	31.212107	32.42	BANCROFT RD SW	
006055 09100	41.216367	40	BANCROFT RD SW	697
006055 05101	11.64231	0	PLEASANT GR LN SW	452
006047 02506	25.931159	25.7	BANCROFT RD SW	
006055 02501	1.42853	0	BANCROFT RD SW	1212
006055C B 00400	0.31641	0	JULIUS DR SW	
006055 08600	0.98518	1.63	BANCROFT RD SW	796
006047 03902	10.18947	10	BANTHER RD SW	172
006055 08700	2.07014	1.25	BANCROFT RD SW	796
006055 00500	33.42665	34	PLEASANT GR RD SW	1412
006055C B 00100	0.32154	0	JULIUS ST SW	
006055C A 01200	0.39814	0	CRANE ST SW	
006055C B 00200	0.31833	0	JULIUS DR SW	
006055C B 00300	0.3206	0	JULIUS DR SW	230
006055C A 01100	0.61024	0	CRANE ST SW	
006055C A 01300	0.48411	0	JULIUS DR SW	230
006055 02500	1.40187	0	BANCROFT RD SW	1184
006063 00800	29.547441	0	BANCROFT RD SW	
006063 00801	30.00591	0	BANCROFT RD SW	1861
006063 03200	18.9226	18	KIRKPATRICK RD SW	254
006063 03310	15.51727	15.3	BANCROFT RD SW	
006047 04600	2.713086	2.58	BANCROFT RD SW	646
006063 03308	10.19246	11.63	BANCROFT RD SW	
006063 02200	24.430942	0	BRYMER CREEK RD SW	1298
006063 02201	19.566666	0	BRYMER CREEK RD SW	1218
006064G E 00200	1.305877	0	LINDA WAY SW	130
006064 00102	30.300394	0	BRYMER CREEK RD SW	
006064 02600	4.694048	4.69	SOUTH LEE HWY SW	3357
006064G A 01000	0.3532	0	AUGUSTA LN SW	
006064G C 00200	0.34896	0	FRANKLIN RD NW	
006064G C 00900	0.36016	0	LINDA WAY SW	
006064G B 00500	0.91384	0	SOUTH LEE HWY SW	
006063 02101	5.51622	0	BRYMER CREEK RD	
006064G D 00200	0.33358	0	FRANKLIN LN SW	
006064G C 01300	0.35704	0	JEFFERY LN SW	
006064G C 00400	0.36	0	TRUDY LN SW	
006064G A 01300	1.75682	0	SOUTH LEE HWY SW	

006064G C 01400	0.35018	0 JEFFERY LN SW	
006064G D 00300	0.31804	0 FRANKLIN LN SW	166
006064G A 00700	0.80683	0 SOUTH LEE HWY SW	
006064G C 01500	0.35407	0 JEFFERY LN SW	
006064G D 00100	0.32947	0 FRANKLIN LN SW	
006064G A 00900	0.35925	0 AUGUSTA LN SW	
006063 02203	5.31008	0 BRYMER CREEK RD SW	1288
006064G C 00600	0.37156	0 TRUDY LN SW	
006064G D 01400	0.31238	0 TRUDY LN SW	
006064G E 00900	1.3002	0 LINDA WAY SW	
006064 07700	2.58872	2.6 VARNELL RD SW	2798
006064 06200	2.470432	0 VARNELL RD SW	2860
006064G A 00100	0.35419	0 AUGUSTA LN SW	111
006063 01603	2.36253	2.18 SPRING BRANCH RD SW	191
006064G A 01200	0.35268	0 AUGUSTA LN SW	123
006063 01601	1.01693	0 SPRING BRANCH RD SW	191
006064G C 00300	0.38885	0 FRANKLIN RD NW	
006064G A 01100	0.35137	0 AUGUSTA LN SW	131
006064G A 00800	0.55415	0 SOUTH LEE HWY SW	
006064G B 00300	1.01324	0 SOUTH LEE HWY SW	
006064G C 00500	0.35079	0 TRUDY LN SW	
006064G D 00400	0.31896	0 BLACK FOX RD SW	
006064G D 01300	0.32685	0 TRUDY LN SW	
006064G D 00500	0.31572	0 BLACK FOX RD SW	222
006064G A 01400	0.82776	0 SOUTH LEE HWY SW	
006064G C 01200	0.34599	0 JEFFERY LN SW	
006064G B 00400	0.40562	0 LINDA WAY SW	
006064G C 00700	0.34747	0 TRUDY LN SW	
006064G C 01100	0.35018	0 JEFFERY LN SW	
006064G E 00100	0.66345	0 LINDA WAY SW	
006064G C 00800	0.35717	0 TRUDY LN SW	
006064G C 01000	0.36275	0 LINDA WAY SW	
006064G D 01200	0.31337	0 TRUDY LN SW	147
006064G D 01000	0.68452	0 TRUDY LN SW	167
006064 02400	156.90198	0 VARNELL RD SW	382
006064G A 00500	1.61917	0 SOUTH LEE HWY	
006064G C 00100	0.3437	0 FRANKLIN RD NW	
006064G D 01500	0.31923	0 TRUDY LN SW	119
006064G D 00900	0.36604	0 LINDA WAY SW	
006064G D 00600	0.3403	0 BLACK FOX RD SW	
006063 02100	2.20655	2.12 BRYMER CREEK RD SW	1356
006064G D 00700	0.31537	0 BLACK FOX RD SW	
006064G D 00800	0.33257	0 BLACK FOX RD SW	256
006064G A 01500	0.31805	0 SOUTH LEE HWY SW	
006064G E 00901	0.25858	0 LINDA WAY SW	
006063 02204	4.40337	4.14 BRYMER CREEK RD SW	1217
006056 06800	44.230414	0 VARNELL RD SW	2349
006063 01304	2.843299	2.8 SPRING BRANCH RD SW	
006063 02503	15.401052	0 BRYMER CREEK RD SW	
006064 04200	72.53477	0 BLACK FOX RD SW	769
006063 02401	10.23314	10 BRYMER CREEK RD SW	1187
006064 03500	26.88079	0 SOUTH LEE HWY SW	113646
006064 04100	154.06271	163.76 BLACK FOX RD SW	402
006063 04501	1.67143	0 SOUTH LEE HWY SW	
006064 07900	151.64044	155 SOUTH LEE HWY SW	3818

006064	03501	52.284164	60 BRYMER CREEK RD	
006064	05000	79.70246	77.9 BLACK FOX RD SW	776
006064	04000	542.60787	1714.08 OLD CHATTANOOGA PK SW	2937
006063	04500	175.26251	0 SOUTH LEE HWY SW	4184
006056	06800	21.705778	0 VARNELL RD SW	2349
006057	02700	22.845172	23.6 VARNELL RD SW	2305
006056	06918	15.243912	0 VARNELL RD SW	2450
006049	01700	38.79118	38.53 OLD FREEWILL DR NW	340

Local Government Planning Advisory Committee
TO: Amend the Bradley County Growth Plan

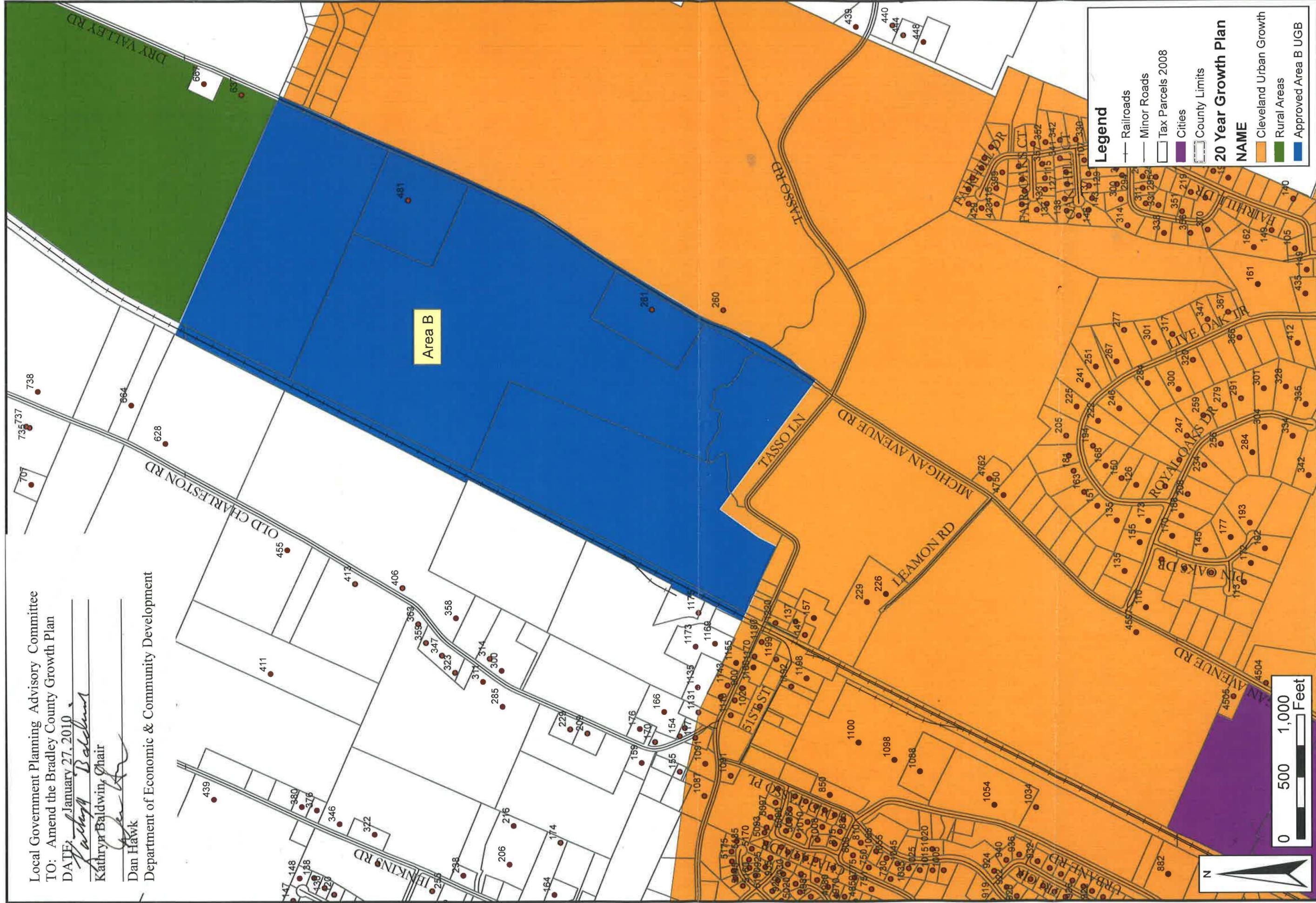
DATE: January 27, 2010

Kathryn Baldwin

Kathryn Baldwin, Chair

Dan Hawk

Dan Hawk
Department of Economic & Community Development



UGB Area B 12-03-09

Source:
Streets are from Bradley County
and ESRI
City Limits are from
Bradley County
Drawn by: DAC
Date: 12-28-09

Local Government Planning Advisory Committee

TO: Amend the Bradley County Growth Plan

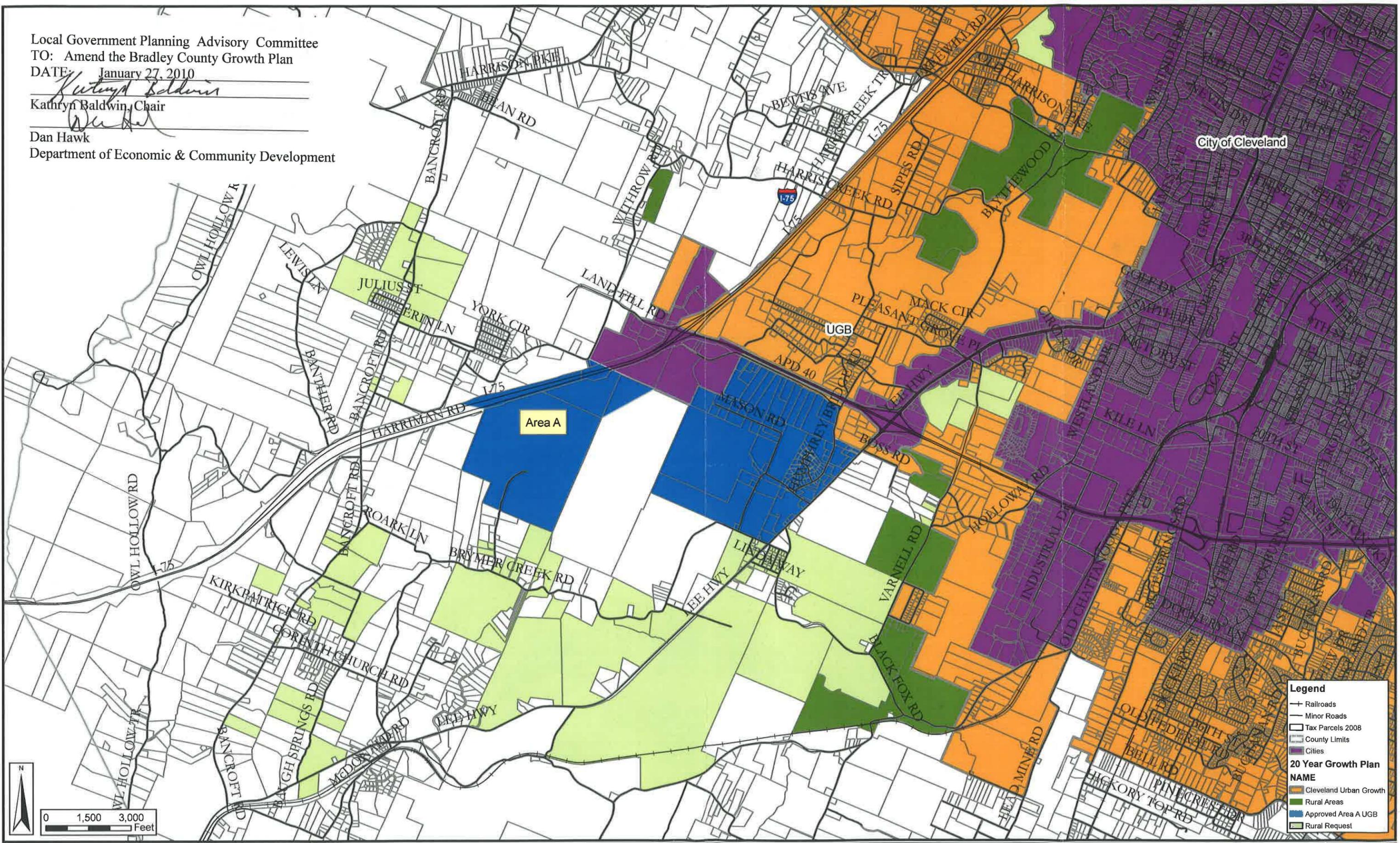
DATE: January 27, 2010

Kathryn Baldwin

Kathryn Baldwin, Chair

Dan Hawk

Dan Hawk
Department of Economic & Community Development



City of Cleveland

Area A

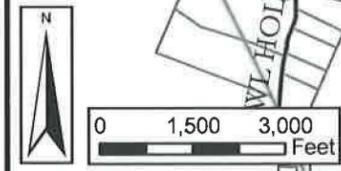
UGB

Legend

- + Railroads
- Minor Roads
- ▭ Tax Parcels 2008
- ▭ County Limits
- ▭ Cities

20 Year Growth Plan NAME

- ▭ Cleveland Urban Growth
- ▭ Rural Areas
- ▭ Approved Area A UGB
- ▭ Rural Request



UGB Area A
12-03-09



Source:
Shapes are from Bradley County
and ESRI
Parcels and City Limits are from
Bradley County
Drawn by: PAC
Date: 12-09-09

January 19, 2010

Erin Fuller
865 Tasso Road NE
Cleveland Tennessee 37323
423-240-8671

Dear Mr. Dan Hawk,

As a citizen of Bradley County, I would ask that you consider a few things prior to the LGPAC committee passing the Urban Growth Boundary that the City of Cleveland is proposing. It is my belief that a few laws if not ethics have been violated in the City's desire to build a new airport. With very little, if any concern, for the citizens of this community, the city mayor Tom Rowland requested that TDOT Gerald Nicely give the city permission to adopt airspace zoning outside of the Urban Growth Boundary that was adopted in 2000. This airspace zoning is not only outside of the city limits but also the urban growth boundary that currently exists. The same zoning restrictions also do not exist currently on the operating airport Hardwick field.

I believe this violated the rules that were set up by the LGPAC that inhibited the city from zoning land outside of their urban growth boundary. We do not have a regional planning commission and we have a zoning ordinance but no airport airspace zoning at that time. However, since this time the Urban Growth Committee and the local governments have quickly adopted the new UGB plan and are bringing it to you at the January 27th meeting. Could this be a cover up for the violated laws and ethics in which the LGPAC was created to prevent?

I believe that Mr. Nicely violated T.C.A. 6-54-126 under Cities and Towns when he operated outside of his jurisdiction, granting the city to adopt zoning if the county commission did not.

T.C.A. 6-54-126 states "For any land that is used for the agricultural purposed as of May 10, 1998, a municipality may not use its zoning power to interfere in any way with the use of such land for agricultural purposes as long as the land is used for agricultural purposes".

This zoning will affect the use of land under the Advisory Circular 150/5200-33b of the FAA rules under the acceptance of the grant money referred to Airport Improvement Program (AIP). When the city takes the money to build the airport under this program they must comply with grant assurances in the Circular which limits the use of agricultural land in the airspace zone.

The County Commission did pass this airspace zoning on August 17th, 2009. I believe it was do to the threat of the state (TDOT Aeronautics) in giving the zoning permission to the city. However in passing zoning, they too may have violated T.C.A. 5-1-122 enacted for the counties to follow.

Which states: "The powers granted to counties by this part do not include the regulation of buildings used primarily for agricultural purposes, it being the intent of the general assembly that the powers granted to counties by this part should not be used to inhibit normal agricultural activities".

After reading the memorandum by Sid Hemsley dated October 12th, 2001, concerning the Planning and Zoning Under Chapter 1101, he came to the same conclusion that the city had no jurisdiction outside of their urban growth boundary without petitioning the LGPAC. They are just now coming to your committee with this petition for only the airport property and not the surrounding 24,000 acres they needed in the airspace zoning to secure a loan from the FAA's AIP grant funding. The City of Cleveland and Bradley County may have violated the Planning and Zoning Chapter 1101 which was created to prevent this type of behavior from these governmental bodies and completely violates the reason the LGPAC was created.

I would ask that the LGPAC committee look into these possible violations of the law and refuse the approval of the Urban Growth Boundary submitted by the City of Cleveland until these actions by both the state official and the City of Cleveland can be looked into by the Attorney General.

Sincerely,

Erin Fuller



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

SUITE 700, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0349
(615) 741-2848

GERALD F. NICELY
COMMISSIONER

PHIL BREDESEN
GOVERNOR

July 28, 2009

**Honorable Tom Rowland, Mayor
City of Cleveland
190 Church Street, NE
PO Box 1519
Cleveland, TN 37364-1519**

RE: Zoning for Airport

Dear Mayor Rowland:

We understand that you are requesting approval from the Tennessee Department of Transportation to adopt airport zoning with respect to height limitation for the Cleveland Municipal Airport outside the Cleveland city limits since the Bradley County Commission failed to do so. That approval is granted in accordance with Tennessee Code Annotated 42-6-103 (c) (1) which provides that:

If, in the judgment of the municipality, the county or counties fail to adopt or enforce reasonable adequate airport zoning regulation for such area, or if the county or counties refuse to participate in some method of jointly adopting and administering airport zoning regulations, the municipality owning or controlling the airport, with the approval of the agency of state government charged with fostering civil aeronautics, shall itself adopt, administer, and enforce airport zoning regulations for the airport hazard area in question.

It is my understanding that the Bradley County Commission has plans for another public hearing and another vote on this matter. Given that eventuality I would strongly urge the City of Cleveland to give the County Commission every opportunity to adopt the required height limitation zoning before the city acts on the approval contained in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald F. Nicely", written over a white background.

Gerald F. Nicely
Commissioner

**cc: Mayor Gary Davis, Bradley County
Janice Casteel, Cleveland City Manager
Lynn DeVault, Chairperson, Cleveland Municipal Airport Authority**

Dan Hawk - Planning and Zoning under Chapter 1101

From: <Saved by Windows Internet Explorer 7>
Date: 1/15/2010 10:47 AM
Subject: Planning and Zoning under Chapter 1101
Attachments: Part.001; Part.002; Part.003; Part.004; Part.005; Part.006

Information Product	
Title:	Planning and Zoning under Chapter 1101
Summary:	MTAS was asked the impact of Chapter 1101 on the planning and subdivision authority of cities.
Original Author:	Hemsley, Sid
Co-Author:	
Product Create Date:	10/12/2001
Subject:	Land use; Planning; Planning--Metropolitan areas; Zoning; Zoning--Subdivisions
Type:	Legal Opinion
Legal Opinion:	<div style="border: 1px solid black; padding: 2px;">  Planning and Zoning Under Chapter 1101 public.wpd </div>
Reference Documents:	
Text of Document: MEMORANDUM	

FROM: Sid Hemsley, Senior Law Consultant

DATE: October 12, 2001

RE: Planning and Zoning Under Chapter 1101

The materials you faxed do not include the LGPAC policy regarding planing regions, so I have nothing to look at there except the TCCA's comments. However, I assume those are an accurate reflection of the LGPAC's automatic extension policy. In any event, the following comments discuss what I think is the law in this area.

You undoubtedly recall that a bunch of UT and state organizations did a joint publication on Chapter 1101 that covered, among many other things, the right of municipalities to plan and zone outside their territorial limits after Chapter 1101 (See P. 27.). Unfortunately, that publication, Growth Policy, Annexation and Incorporation Under Public Act 1101 of 1998: A Guide for Community Leaders was (and still is) is probably wrong on those issues. Here is the way I see them after repeated reviews of the planning and zoning laws before and after the passage of Chapter 1101. I admit that the way I see them may not be correct. I had

hoped that by now some city or county would have taken the issue to court.

Extraterritorial Planning, Subdivision and Zoning Regulation Under Previous Laws.

Under the law as it existed before passage of Public Chapter 1101, it was possible for a city to receive two kinds of extraterritorial jurisdiction: (1) planning and subdivision authority *without* zoning authority (Tennessee Code Annotated, title 13, chapter 3); and (2) planning and subdivision authority *with* zoning authority (Tennessee Code Annotated, title 13, part 7).

(1) Planning and subdivision regulation authority: In order to exercise planning jurisdiction outside its corporate limits, the city applied to the Local Government Planning Advisory Committee (LGPAC) for designation as a regional planning commission. If the LGPAC approved that designation, it set a limit of up to five miles in which the city could impose *subdivision regulations* and exercise other planning functions. Once approved as a regional planning commission, the city could exercise this authority regardless of whether the county had adopted zoning or subdivision regulations. However, this authority did not include the authority to zone in this territory.

(2) Zoning authority: A city could exercise zoning authority beyond its corporate limits only if it met the following conditions: (A) The city was designated as a regional planning commission by LGPAC (in the manner prescribed above); (B) the county had no zoning in force; and (C) the city notified the county of its intent to zone at least six months prior to enacting zoning for the area. If the county subsequently adopted zoning for the territory and provided for its enforcement, the city's zoning in that area was automatically repealed.

Extraterritorial Planning, Subdivision and Zoning Regulation under Public Chapter 1101.

Public Chapter 1101 did three important things with respect to planning and subdivision and zoning regulations.

1. Amended Tennessee Code Annotated, sections 13-3-102 and 13-3-401(2) to provide that the authority of regional planning commissions (those planning commissions designated regional planning commissions by LGPAC under Tennessee Code Annotated, section 13-3-102) can be *extended by the LGPAC to the Urban Growth Boundary (UGB)*, the obvious corollary of which is that it cannot be extended past the UGB.

2. Provided that notwithstanding the extraterritorial jurisdiction regional planning commissions have under Tennessee Code Annotated, title 13, chapter 3 (subdivision regulation jurisdiction), nothing in Chapter 1101 shall be construed to authorize *municipal planning commission jurisdiction* beyond the UGB [Tennessee Code Annotated, § 6-58-106 (d)].

3. Provided that in a county *without county zoning*, a city may adopt zoning and subdivision regulations beyond its corporate limits only with the approval of the county legislative body [Tennessee Code Annotated, § 658-106(d)].

Read together, those three things have the following implications for city planning, and for city subdivision and zoning regulations beyond city limits.

1. Regional planning commissions in counties *without* county zoning: A municipal planning commission that has been designated a regional planning commission cannot adopt zoning or subdivision regulations outside its corporate limits without the approval of the county legislative body. Even with such approval of the county legislative body, neither subdivision regulations nor zoning regulations can extend beyond the UGB. [Tennessee Code Annotated, § 6-58-106)(d)].

2. Regional planning commissions in counties *with* county zoning: The authority of the LGPAC to designate a municipal planning commission a regional planning commission, and to authorize the regional planning commission to adopt subdivision regulations beyond its corporate limits, was not changed by Public Chapter 1101, except that such municipal authority cannot be extended beyond the UGB. In addition, it does not appear that the authority of regional planning commissions to recommend zoning regulations within the above geographical limits was changed by Public Chapter 1101.

3. Planning commissions *not* designated regional planning commissions: As was true under previous laws, a municipal planning commission that has not been designated a regional planning commission has no authority to adopt subdivision or zoning regulations outside its corporate limits.

I do recall in the seminars that were taught on Chapter 1101, that questions were raised on the impact that law had on the planning and zoning authority of municipalities and counties. After the first seminar or so, it became clear that the material on that subject in the joint publication was at least partly wrong, but I do not think there was ever any confusion over the LGPAC role in how planning regions were extended, both before and after Chapter 1101. The truth is, I doubt that anyone ever raised (or even thought of) the issue of automatic extensions. When questions came up on the impact of Chapter 1101 on planning and zoning relationships between cities and counties, most of the questions I recall were over what appeared to be a huge hit taken by municipalities on their subdivision and zoning authority in counties without county zoning, under what is now Tennessee Code Annotated, § 6-58-106(d). Needless to say, where a municipality worried about the gap between its present regional planning boundary and its UGB, MTAS advised it that it could petition the LGPAC for an extension of the boundary.

Please remember that these legal opinions were written based on the facts of a given city at a certain time. The laws referenced in any opinion may have changed or may not be applicable to your city or circumstances.

Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this database.



The FAA's Airport Compliance Program ensures airport sponsors comply with the Federal obligations they assume when they accept Federal grant funds or the transfer of Federal property for airport purposes. The program serves to protect the public interest in civil aviation and ensure compliance with applicable Federal laws, FAA rules, and policies.

Sources of Obligations

When airports receive Federal assistance, their owners or sponsors accept certain obligations and conditions, which may be incurred by contract or by restrictive covenants in property deeds. This generally involves the following:

- Grant agreements (*Grant Assurances*) issued under Federal grant programs
- Instruments of approved property transfers
- Deeds of conveyance

When Airport owners and operators accept Federal grants, they agree to preserve and operate their facilities in a safe and efficient manner and comply with certain conditions and assurances. These obligations can span different airport development grant programs, including the Federal Aid to Airports Program (FAAP), the Airport Development Aid Program (ADAP), and the Airport Improvement Program (AIP). Airports owners should be aware that obligations incurred under each program or conveyance document vary.

Major Obligations

The following list includes some of the major obligations an airport owner can incur when accepting a Federal airport development grant.

- Prohibition of exclusive rights
- Use of airport revenue
- Proper maintenance and operation of airport facilities
- Protection of approaches
- Keeping good title of airport property
- Compatible land use
- Availability of fair and reasonable terms without unjust discrimination
- Adhering to the approved airport layout plan
- Self-sustainability
- Sale or disposal of Federally acquired property
- Preserving rights and powers
- Using acceptable accounting and record-keeping systems
- Compliance with civil rights requirements

The FAA encourages airport owners to review each agreement and conveyance document to ensure that they understand their obligations. Keeping good records will allow them to quickly reference incurred obligations. Further, annual reviews of all agreements will aid efforts in complying with incurred Federal obligations.

This page can be viewed online at:

http://www.faa.gov/airports/airport_compliance/overview/

From: "Erin Fuller" <lecourougefarm@gmail.com>
To: <dan.hawk@tn.gov>
Date: 1/25/2010 7:34 AM
Subject: lgpac letter
Attachments: lgpac letter.doc; Planning and Zoning under Chapter 1101; Zoning for airport letter from Commissioner Nicely.pdf

Dan,

Thank you for your honesty and your willingness to read this before the LGPAC committee. I appreciate the fact that you were honest in your opinion of this being rubber stamped thru the process, however your rubber stamps may have dire consequences to others. The committee should know the facts and be willing to assist those who the government is stealing from for the sake of a loan. To use my land for collateral to secure a loan is wrong, which is what the city is doing with the airspace zoning. Please read the letter and the Sid Hemsly memorandum to the committee. Also the letter from Gerald Nicely so they can see for themselves how the law was possibly violated.

Thanks for your time once again. But they should have already been in the urban growth boundary before they started all of these procedures. They should be denied, because they put the cart before the horse and did not follow your procedures which you have painstakingly given up your time to create and adhere to.

Sincerely,

Erin Fuller



TENNESSEE

Local Planning Assistance Office

Rachel Jackson Building /6th Floor
320 Sixth Avenue North
Nashville, Tennessee 37243-0405
615-741-2211

July 10, 2000

The Honorable Gary Davis
County Executive of Bradley County
P. O. Box 1167
Cleveland, Tennessee 37364-1167

Dear Mr. Davis:

The Local Government Planning Advisory Committee at its meeting June 28 approved the Bradley County Growth Plan submitted by the Bradley County Coordinating Committee. Enclosed is one copy of the materials submitted by the Coordinating Committee and a copy of the Local Government Planning Advisory Committee Resolution of Approval.

The Comprehensive Growth Plan law requires that you file your plan with your county register. The Local Government Planning Advisory will also keep a copy of your plan.

If I or the Local Government Planning Advisory Committee may be of additional assistance, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Waller".

Don Waller
Director

DW/jw

Enclosure

**Submittal of County Growth Plan
and
Certificate of Ratification**

Whereas, the _____ County Coordinating Committee has developed and recommended to the County and municipal legislative bodies of _____ County a Growth Plan which complies with TCA 6-58-106; and

Whereas, the County and municipal legislative bodies have ratified the _____ Growth Plan as required by TCA 6-58-104; and

Whereas, the _____ County Coordinating Committee has held the requisite public hearings pursuant to TCA 6-58-104;

Now Therefore, the _____ County Coordinating Committee submits to the Local Government Planning Advisory Committee the _____ County Growth Plan for its approval pursuant to TCA 6-58-104.

Chair, County Coordinating Committee

Date

**Resolution of Approval
By The
Local Government Planning Advisory Committee**

Whereas, the Bradley County Coordinating Committee has submitted a County Growth Plan for Bradley County and its municipalities; and

Whereas, the Coordinating Committee has certified that the plan has been ratified pursuant to TCA 6-58-104;

Now, Therefore Be It Resolved by the Local Government Planning Advisory Committee that the Bradley County Growth Plan is hereby approved and becomes effective this date.

Jan Stover by [Signature]
Chair, Local Government Planning Advisory Committee

6/28/00
Date

BRADLEY COUNTY

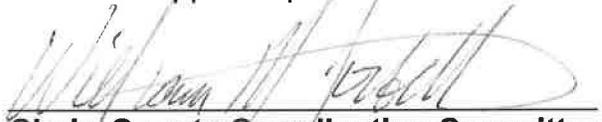
Submittal of County Growth Plan and Certificate of Ratification

Whereas, the Bradley County Coordinating Committee has developed and recommended to the County and municipal legislative bodies of Bradley County a Growth Plan which complies with TCA 6-58-104; and

Whereas, the County and municipal legislative bodies have ratified the Bradley County Growth Plan as required by TCA 6-58-104; and

Whereas, the Bradley County Coordinating Committee has held the requisite public hearings pursuant to TCA 6-58-104;

Now Therefore, the Bradley County Coordinating Committee submits to the Local Government Planning Advisory Committee the Bradley County Growth Plan for its approval pursuant to TCA 6-58-104.


Chair, County Coordinating Committee


Date

Ho An
City of Charleston Mayor

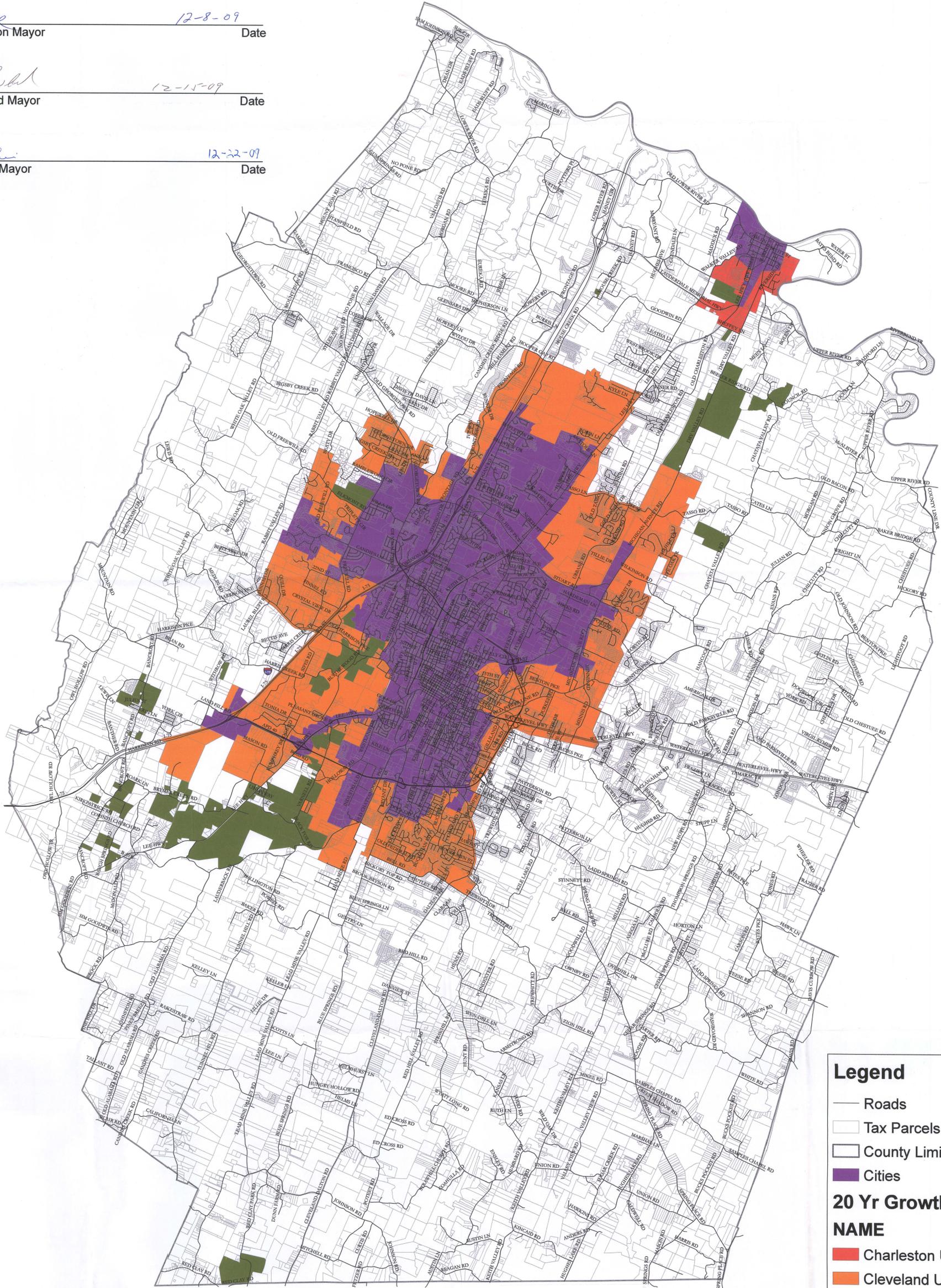
12-8-09
Date

Jan Powell
City of Cleveland Mayor

12-15-09
Date

D. Anderson
Bradley County Mayor

12-22-09
Date



Legend

- Roads
- Tax Parcels
- County Limits
- Cities

20 Yr Growth Plan

NAME

- Charleston Urban Growth
- Cleveland Urban Growth
- Planned Growth
- Rural Areas



Local Government Planning Advisory Committee
TO: Amend the Bradley County Growth Plan
DATE: January 27, 2010
Kathryn Redding
Kathryn Redding, Chair
Dan Hawk
Department of Economic & Community Development

Charleston/Cleveland/Bradley County Urban Growth Plan

12-3-09

Source:
Streets are from Bradley County and ESRI
Parcels, Urban Growth Plan and City Limits are from Bradley County

Drawn by: PAC
Date: 12-7-09