

SENATE BILL 2121

By Henry

AN ACT to amend Tennessee Code Annotated, Title 43 and Title 68, relative to the "Rural, Agricultural and Natural Resources Act".

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

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding Sections 2 through 8 of this act as a new, appropriately designated chapter.

SECTION 2.

(a) This chapter shall be known and may be cited as the "Rural, Agricultural and Natural Resources Act".

(b) This chapter is established for the purpose of safeguarding the rural character and unique beauty of each of the three (3) grand divisions of this state against the rapid expansion of urban development and the loss of thousands of acres of agricultural land each year. The general assembly desires to maintain the rural character of some communities on behalf of the citizens of this state. The intent of this chapter is to provide such protection by authorizing the designation of a predominately rural community as a Rural, Agricultural, and Natural Resources Act (RANRA) community when a two-thirds (2/3) majority of the owners of real property in such community agree to apply for such designation.

SECTION 3.

(a) For the purposes of this chapter:

(1) "Beaman Park to Bells Bend Corridor" means:

(A) All of the parcels within the bend of the Cumberland River ("Bells Bend") from the southern tip of the bend to Highway 12, including all of Old Hydes Ferry Pike;

(B) Continuing north across Highway 12 on both sides of Old Hickory Boulevard, including those properties contiguous with and accessed from Old Hickory Boulevard, north to Eaton's Creek and to the southern boundary of Beaman Park;

(C) Parcels contiguous with or accessed by Toney Carroll Road, Blueberry Hill and Pecan Valley Road;

(D) Portions of the landscape on Highway 12 west of Old Hickory Boulevard, including land along and accessed from Old Hickory Boulevard up to the ridges forming the divide with the valley of Bull Run Road; and

(E) Parcels along Highway 12 to the east of Old Hickory Boulevard up to Old Hydes Ferry Road;

(2) "Commissioner" means the commissioner of environment and conservation; and

(3) "Department" means the department of environment and conservation.

(b) The department shall promulgate rules establishing requirements that a community must meet in order to be designated as a RANRA community. Such rules shall include a requirement that each community for which a petition is submitted must meet or exceed minimum requirements concerning, but not limited to, any three (3) of the following elements as determined by the department:

(1) Steep slopes and ridgelines;

- (2) Woodlands;
- (3) Natural areas for open space;
- (4) Narrow country roads;
- (5) Limited urban services;
- (6) Low population density;
- (7) Deep housing setbacks surrounded by natural areas and working farms, grasslands and pastures;
- (8) View sheds;
- (9) Wildlife habitat and wildlife;
- (10) Wildflowers, plants, and trees; and
- (11) Significant water resources, including flood plains, wetlands, springs and wells, swamps, streams, rivers, lakes and riparian areas.

SECTION 4.

(a) A community designated by the department as a RANRA community shall comply with the following:

- (1) Any residence constructed on or after the date a community is designated a RANRA community shall:
 - (A) Be situated on real property of no less than ten (10) acres of land;
 - (B) Utilize a subsurface sewage disposal system, as defined by § 68-221-402;
 - (C) Be set back at least two hundred fifty feet (250') from any significant water resources as specified on a map that is submitted pursuant to Section 5(c)(2); and

(D) Utilize minimal outdoor lighting as prescribed by the department and shall utilize lighting that has received the Fixture Seal of Approval of the International Dark-Sky Association; and

(2)

(A)

(i) Any residence in existence upon the date the community is designated as a RANRA community shall not be required to comply with this subsection (a);

(ii) Notwithstanding subdivision (a)(1)(A), any person who owns a contiguous tract of land totaling ten (10) acres or less in area within the boundaries of a RANRA community at the time that the community is designated as a RANRA community shall be permitted to build a residence that otherwise complies with the requirements of this subsection (a);

(B) An additional residence constructed for the purpose of housing an immediate family member may be constructed in proximity to an original residence described in subdivision (a)(2)(A) if such additional residence is located no more than five hundred feet (500') from the current residence; provided, however, that if ownership of the original residence is transferred for any reason, including death of the owner, from the person owning the residence at the time the community is designated as a RANRA community, then this subdivision (a)(2)(B) shall no longer apply.

(b) No development, except as described in subsection (a), shall occur in an area designated as a RANRA community on or after the date the area is designated as a RANRA community.

SECTION 5.

(a) Except as provided in Section 6, communities may apply for RANRA status beginning on July 1, 2010.

(b) The department shall promulgate a RANRA community designation application form and shall establish an application process for additional communities seeking RANRA community designation.

(c)

(1) Except as provided in subsection (a), on or after July 1, 2010, in order to be designated a RANRA community, a community shall demonstrate that:

(A) Persons owning real property in the area to be designated a RANRA community have been informed of this chapter; and

(B) A two-thirds (2/3) majority of such persons approve seeking designation as a RANRA community.

(2) The community group seeking a RANRA community designation shall submit a map illustrating the area to be designated a RANRA community along with a list of names and addresses of the two-thirds (2/3) majority of real property owners.

(d) The commissioner, upon determining that the petitioners in fact own real property in the proposed RANRA community, shall so certify upon which certification a RANRA community comes into existence. Any aggrieved party may appeal under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, the determination of the commissioner with regard to ownership of real property by the petitioners within the proposed RANRA community.

(e) In addition to the map illustrating the area to be designated a RANRA community, any other information or documentation evidencing the community's eligibility for RANRA community designation requested by the department shall be submitted to the department at the time the application form is submitted. The petitioners shall also pay an application fee which shall be set by the department in an amount sufficient to defray the usual costs of administering the application process.

(f) An application shall be approved or denied by the department within ninety (90) days of the department's receipt of a completed application. The department shall specify in writing why an application has been approved or denied. This decision shall be communicated to the parties seeking such RANRA community designation.

SECTION 6.

Notwithstanding the requirements of Section 5, or any other law to the contrary, on July 1, 2009, the Beaman Park to Bells Bend Corridor shall be designated a RANRA community.

SECTION 7.

(a) The commissioner is authorized to initiate proceedings seeking injunctive relief against an alleged violator or violators whenever the commissioner has reason to believe that a violation of Section 4 or regulations promulgated pursuant to this chapter has occurred, is occurring, or is about to occur. In addition to the commissioner, any person who has a legal interest in real property that is located within the boundaries of a RANRA community where a violation of Section 4 is believed to have occurred, be occurring, or about to occur is authorized to initiate proceedings seeking injunctive relief against an alleged violator or violators.

(b) It is the duty of the attorney general and reporter to assist the department, upon its request, in bringing suit for enforcement of this chapter when needed.

(c) Proceedings under subsection (a) may be initiated in the chancery court of Davidson County or the chancery court of the county in which all or part of the activities complained of occur.

SECTION 8. The department is authorized to promulgate rules to effectuate this chapter in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. For the purposes of promulgating rules and publishing forms, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2009, the public welfare requiring it.