



## MEMORANDUM

**TO:** Knoxville-Knox County Planning Commission

**FROM:** Mike Reynolds, Principal Planner

**DATE:** Friday, June 7, 2024

**SUBJECT:** Agenda Item # 46 / File # 3-A-24-OB  
Similar use determination for off-road trail riding for motorized vehicles and mountain bikes in the A (Agricultural) zone.

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### STAFF RECOMMENDATION:

Approve a trail riding facility for off-road motorized and non-motorized vehicles as a use permitted on review in the A (Agricultural) zone, subject to the locational and area regulations listed below. The Planning Commission may require additional operational restrictions or site improvements as part of the use on review process.

- 1) Trail riding facilities that allow motorized vehicles must have a minimum site area of 100 acres, according to the property assessor's ownership card or a survey provided by the applicant.
- 2) The site must have direct access to a collector or arterial road per the Major Road Plan.
- 3) Trails, staging areas, and parking lots must be no closer than 300 feet to a public park, school, church, hospital, sanitarium, residential zone, or land subdivided and restricted to residential use. The Planning Commission may reduce the setback for trails if it is shown that because of unique site characteristics, the reduced setback will not negatively impact adjacent properties.
- 4) The site must retain a rural character as determined by the Planning Commission during the use on review process.
- 5) No motorized trail riding is permissible between the hours of 7 pm and 9 am, unless otherwise approved by the Planning Commission during the use on review process. In no case shall motorized trail riding be permissible after 9 pm.

## **BACKGROUND:**

The Knox County Zoning Ordinance does not list motorized or non-motorized trail riding facility (“trail riding facility”) use in any zone districts. The closest use classification is “automobile race tracks,” which is a uses permitted on review in the I (Industrial) zone. While the two uses allow motorized vehicles on a closed circuit, the operations and impacts on the surrounding area differ.

Trail riding facilities are typically in rural areas and on properties large enough to accommodate miles of trail networks and significant buffers to adjacent properties. The A (Agricultural) zoning is the most appropriate for properties that fit this description. The uses with the most potential for adverse impacts in the A zone are listed as use permitted on review (Article 5.22.03), as Staff recommends for this request. See Exhibit D for the full list of the permitted uses and uses permitted on review in the A zone. A list of some of the uses is below:

- (A) Aircraft landing fields, hangers and equipment.
- (B) Sanitary landfill.
- (J) Rifle ranges.
- (K) Mining and mineral extraction.
- (L) Demolition landfills.
- (O) Private and commercial sports playing fields.
- (P) Commercial mulching operations.
- (R) Marinas.
- (S) Indoor and outdoor paintball and airsoft ranges.
- (V) Retail sales of agricultural products grown on site, or acquired elsewhere and then maintained on site.
- (W) Rural retreats.

Many of the uses listed above have specific location criteria, area regulations, and performance standards, which can be considered in this similar use determination request. Staff used these to inform the locational and area regulations recommended. The basis for these is provided below.

1) Trail riding facilities that allow motorized vehicles must have a minimum site area of 100 acres, according to the property assessor's ownership card or a survey provided by the applicant.

Basis: The property has to be large enough to provide buffers to adjacent properties and have a trail network extensive enough to operate commercially. The “rural retreat” use has a minimum area of 50 acres when a facility has conference or banquet facilities.

2) The site must have direct access to a collector or arterial road per the Major Road Plan.

Basis: Many uses require access from a collector or arterial street, and some allow exceptions when the access road is a lower classification but is deemed acceptable by Knox County Engineering and Public Works and may require a traffic study. Staff recommend requiring access to collector or arterial roads because of the potential impact the use could have on unclassified roads.

3) Trails, staging areas, and parking lots must be no closer than 300 feet to a public park, school, church, hospital, sanitarium, residential zone, or land subdivided and restricted to residential use.

Basis: The mining and mineral extraction use requires a 300-ft setback for mining operations when adjacent to the listed uses. Staff recommends the same for this use because the impact from dust and noise could be similar.

4) The site must retain a rural character as determined by the Planning Commission during the use on review process.

Basis: Marinas are required to be developed in such a way as to preserve its natural character. Staff recommends a similar requirement to ensure a trail riding facility does not diminish the area's character.

5) No motorized trail riding is permissible between the hours of 7 pm and 9 am, unless otherwise approved by the Planning Commission during the use on review process. In no case shall motorized trail riding be permissible after 9 pm.

Basis: Many uses restrict the time of operation. The sanitary landfill use is only allowed to operate between 6 am – 7 pm on Monday – Saturday, and 12 pm – 6 pm on Sunday. The retail sales use is allowed between 7 am – 9 pm. The rural retreat use restricts amplified sounds outside between 9 pm – 9 am.

## Exhibit A. Letter to the Planning Commission

To Knox County Planning

Jan 22, 2024

We would like to run our business:

Bays Mountain Offroad - EIN #88-3303936

at our property at 1112 Tarklin Valley Road, Knoxville, TN 37920 Parcel # 159-080.00 of 103.3 acres.

We have old mining roads that we made into trails and have added more trails to our property. (I have enclosed a trail map) on our trail map we have what we call our Event Center a pavilion with 2 sides enclosed where everyone can come to sign our waiver and see our shirts. We do have a waiver made up by our lawyer (I have attached a waiver) That everyone must sign before they are allowed to ride on our trails. We have had T-shirts made and some decals that we do sell.

We let Offroad vehicles such as Jeeps, trucks, Broncos, SXS, 4-wheelers, dirt bikes come ride on our property for a small fee. We charge \$20.00 per driver, \$10.00 per passenger and children 15 and under are free unless they are driving their own vehicle then we charge them \$10.00 per day.

We are usually open only one day on the weekend and our hours are from 9-Dark. When the jeep invasion comes to Pigeon Forge we open up a day or two on the week and then open on the weekend. We do like to open from 6pm-11pm in October for our Haunted Trail Rides for one weekend day per weekend.

We do have a porta-jon on site for everyone that needs it.

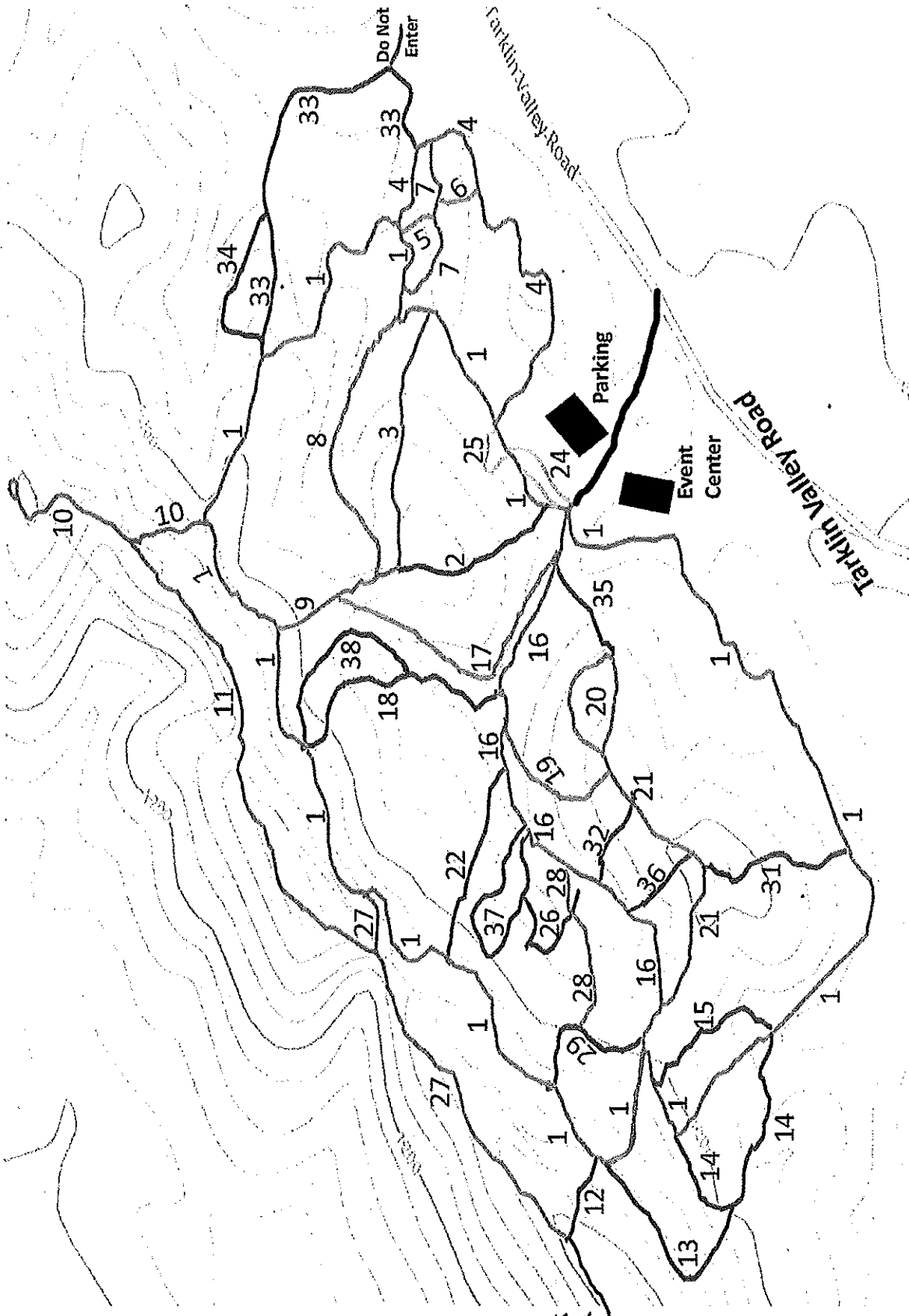
Thank You

Patrick & Kimberly McGuire  
1112 Tarklin Valley Road  
Knoxville, TN 37920  
865-850-2711  
[info@baysmountainoffroad.com](mailto:info@baysmountainoffroad.com)

# BAYS MOUNTAIN OFF-ROAD MAP

- 1 - Main Loop
- 2 - Stiff Knee
- 3
- 4
- 5
- 6
- 7
- 8 - Hill
- 9
- 10 - The Turn Around
- 11 - Top of the Mountain
- 12 - Steep Hill
- 13 - Steep Hill
- 14
- 15 - Short Hill
- 16
- 17 - Rain Ruts
- 18 - Almost Tip
- 19
- 20 - Off Camber Loop
- 21
- 22 - Steep
- 24 - Roller Coaster
- 25 - European Turn
- 26 - Golf Cart Hill
- 27
- 28
- 29
- 31
- 32
- 33
- 34
- 35
- 36
- 37 - Round About
- 38

- Green - Easy Trails
- Blue - Medium Trails
- Red - Hard Trails
- Orange - Fun Trails



## Exhibit B. Applicant Statement of Similar Use

**Bays Mountain Offroad  
for Facility at  
1112 Tarklin Valley Road  
Knoxville, TN 37920**

### **Similarity to Zoning Approved Uses**

The facility's operation is similar to Mountain Biking courses. Mountain Biking falls under O. Public Parks and playgrounds and public, private, and commercial spots playing fields. Main difference is going to be that all the vehicles coming to our park are motorized. We have trail riding only no racetrack, no drag racing etc. We pay close attention to the noise levels from the vehicles that are brought here. We require that all vehicles have a sound decibel rating within stock OEM limits. As an average manufactures such as Polaris, Honda, Kawasaki, Suzuki, Yamaha and Can Am are producing their machines with a 95-105 decibel rating. Occasionally we have a rider come to the park with aftermarket exhaust that is much louder than stock OEM. We let the rider know immediately that their machine cannot be operated here without changing the exhaust to be much quieter. We have one neighbor that lives close to one of our trails. We talk to them occasionally regarding the park and they have no complaints. On the occasion we have riders operating after dark we close this trail to have respect for the neighbor's privacy. We are aware of the impact that the offroad vehicles can have with erosion. To help with this we have in place water breaks on several of the steep trails. It is the same concept that mountain bike parks use. We have had very little litter on the trails from the off-roaders and we are consistently maintaining the trails in the way of fallen trees, erosion, litter. We do not have any water ways on our property, we were told that we do have water running 15' below the surface. We also have a porta Jon that is serviced weekly for everyone to use. We do have a waiver drawn up by a lawyer who is also an avid off-roader, this waiver is signed by everyone that enters the park. We can provide a copy of this waiver if needed.

## Exhibit C. Business Operations

How we feel that Bays Mountain Offroad uses in the agricultural zoning are **similar** to:

**Nature:** When creating the trails for our land we opened up old logging road and when we would add any new trails, we would go around the mature trees and not cutting them down to keep the property appearance to look almost exactly as it was when we purchased it.

**Operating Procedures:** We made sure all neighbors that lived here at the time we opened the park that they were all good with it. We make sure if it is a muddy day we do not open to make sure we keep the mud off of the roadways. Occasionally we have a rider come to the park with aftermarket exhaust that is much louder than stock OEM. We let the rider know immediately that their machine cannot be operated here without changing the exhaust to be much quieter. We have one neighbor that lives close to one of our trails. We talk to them occasionally regarding the park and they have no complaints. On the occasion we have riders operating after dark we close this trail to have respect for the neighbor's privacy. We are aware of the impact that the offroad vehicles can have with erosion. To help with this we have in place water breaks on several of the steep trails. It is the same concept that mountain bike parks use. We have had very little litter on the trails from the off-riders and we are consistently maintaining the trails in the way of fallen trees, erosion, litter. We do not have any water ways on our property, we were told that we do have water running 15' below the surface. We also have a porta Jon that is serviced weekly for everyone to use. We do have a waiver drawn up by a lawyer who is also an avid off-roader, this waiver is signed by everyone that enters the park. We can provide a copy of this waiver if needed.

**Character to the proposed use:** Bringing more business to South Knoxville instead of Windrock Park or Royal Blue. Bringing in more money to be spent in South Knoxville via Gas Stations, Restaurants and even stores.

**How they are compatible:** Bringing the community together to enjoy a sport that they all have in common.

We do not have any employees. Rick and I do most all and if we are expecting a big group, we have volunteers that help us out.

Let me know what you think. If I need to make changes or anything else.

Thank You

Kim

5.22. - A Agricultural Zone.

EXHIBIT D

5.22.01. *General description.* This zone provides for a wide range of agricultural and related uses as well as residential uses with low population densities and other compatible uses which generally require large areas or open spaces.

5.22.02. *Uses permitted.*

- A. Houses and duplexes.
- B. Churches, schools, libraries and museums.
- C. Farming, including all types of agriculture and horticulture; commercial dairies; rabbit, goat and other animal or fish and minnow raising farms; egg-producing ranches and farms devoted to the hatching, raising, fattening and butchering of chickens, pigeons, turkeys and other poultry; and hog and other feeding for commercial purposes.
- D. Garage apartments.
- E. Mobile homes, but not mobile home parks.
- F. Portable sawmills.
- G. Roadside stands.
- H. Signs as permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.
- I. Public utilities, such as transmission lines, substations, railroad lines, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, and other similar public service uses and buildings, and also such other buildings and structures, as are used by utility and sanitary districts in the performance of services in which they are authorized to engage.
- J. Home occupation subject to section 4.90, "Home occupations."
- K. Uses customarily incidental to any of the above uses, including parking of not more than two (2) commercial vehicles and/or trailers used by the residents in their home occupation.
- L. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).
- M. Yard sales and rummage sales.
- N. Day care homes and group day care homes, if the provider lives on site, subject to the following conditions:
  - 1. The total lot area shall not be less than ten thousand (10,000) square feet.
  - 2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.
  - 3.



A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty-five (35) feet to any public right-of-way. The minimum height of the fence shall be four (4) feet.

4. Off-street parking, as regulated in section 3.50, "Off-street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.

O. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

5.22.03. *Uses permitted on review.*

A. Aircraft landing fields, hangars and equipment.

1. The general intent of this subsection is to insure the development of aircraft landing fields, hangars, equipment and local traffic patterns in agricultural zones, which will also afford some protection to residences in the area and which will hereby promote the public health, safety, morals and general welfare of the citizens of the county.
  - a. Before a landing field can be located in an agricultural zone, plans for the run-ways, local traffic pattern, hangars and other incidental uses of the airport shall be submitted to the planning commission for approval.
  - b. Where airport landing fields and hangars are already established in the county, plans for the expansion of additional buildings, run-ways, hangars, or where local traffic pattern has been changed because of expansion, or where additional uses are added such as the sale of planes, flight schools, or eating establishments (except vending machines) shall be submitted to the planning commission for approval.
2. The planning commission shall have the power to authorize the issuance of a permit after the plans have been approved and certified by the county board of commissioners, and before a permit can be issued by the director of the code administration and enforcement department for an addition to an existing operation or the location of a new airport, if the planning commission finds that the conditions are such that the location or expansion will not:
  - a. Increase the hazard from planes flying over houses.
  - b. Diminish value of land and buildings throughout the surrounding area within one thousand (1,000) feet of the airport.
  - c. Increase the congestion or traffic hazards in the public streets and highways adjacent to the airport.
  - d.

Otherwise impair the public health, safety, comfort, morals and general welfare of the inhabitants of the county.

3. Then the planning commission may impose such conditions as will lessen any injury to the character of the area and shall submit their recommendations to the county board of commissioners.
  4. Administration. The planning commission shall approve or disapprove the plans, and if approved, shall submit the plans to the county board of commissioners who shall hold a public hearing thereon, the time and place of which shall be given by one (1) publication in a newspaper of general circulation in the county (T.C.A. §§ 13-404 and 13-405). Such notice shall state the place at which the text and maps as certified by the planning commission may be examined.
- B. Sanitary landfill subject to meeting all requirements set forth in section 4.70, "Sanitary landfills," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.
- C. Boat liveries, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.
- D. Cemeteries.
- E. Dog kennels.
- F. Golf courses and public, private, and commercial golf driving ranges.
- G. Indoor storage.
- H. Livery stables.
- I. Lodging and boarding houses.
- J. Rifle ranges.
- K. The following uses may be permitted provided that, no such use shall be located nearer than three hundred (300) feet to a public park, school, church, hospital, sanitarium, residential zone or land subdivided and restricted to residential uses, except as otherwise provided in section 4.50, "Standards for mining and mineral extraction," of these regulations.
1. Mining and mineral extraction subject to all requirements set forth in section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," and section 4.50, "Standards for mining and mineral extraction," of these regulations.
- L. Demolition landfills, off-site, subject to article 4, "Supplementary regulations," subsection 4.80.01.B, "Demolition landfills," (off-site generated waste).
- M. Veterinary clinics and animal hospitals meeting the following standards:
1. No animals shall be kept outdoors within one hundred (100) feet of any residence other than that of the owner or user of the property.

## EXHIBIT D

2. The applicant shall demonstrate that the use of the property will not create nuisance conditions for adjoining properties due to noise, odor, or lack of adequate sanitation.
- N. Group day care homes, if the provider does not live on site, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review," and child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."
  - O. Public parks and playgrounds and public, private and commercial sports playing fields.
  - P. Commercial mulching operation, consistent with the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," section 4.96, "Standards for the use-on-review approval of commercial mulching operations," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.
  - Q. Composting facility, consistent with the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," section 4.95, "Standards for the use-on-review approval of solid waste processing facilities," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.
  - R. Marinas, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.
  - S. Indoor and outdoor paintball airsoft ranges, subject to the requirements of article 4, "Supplementary Regulations," section 4.97, "Standards for the approval of indoor and outdoor paintball/airsoft ranges."
  - T. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."
  - U. Storage of school buses under contract to a public or private school system. See article 3, "General provisions," section 3.54, "Storage of school buses" for facility development criteria.
  - V. Retail sales of agricultural products grown on site, or acquired elsewhere and then maintained on the site, subject to the following restrictions:
    1. There shall be a minimum lot area of ten (10) acres.
    2. Sales area and related facilities, including parking area, shall not occupy more than four (4) acres of the property. The sales area shall be subordinate and incidental in scope and size to the principal agricultural use of the property.
      - a. "Sales area" is defined as the area where the purchase of agricultural products takes place and where certain fertilizer, herbicides, fungicides, irrigation equipment and landscape supplies are stored or displayed.
      - b.

"Related facilities" is defined as non-connected buildings, sheds, coverings or awnings used for storage of equipment or material that is used in the business. Greenhouses are not considered related facilities.

3. The majority of retail inventory must be grown on site. Items for sale must be limited to those produced through farming as described under subsection 5.22.02 C. above; nursery products such as trees, shrubs, flowers, bedding plants, and other plant stock; and mulch, compost, fertilizer, irrigation equipment, herbicides, fungicides and other landscape materials, not produced on site.
4. The retail sales area shall be open to the public only between 7:00 a.m. and 9:00 p.m.
5. Any proposed signage shall comply with section 3.90.06, "Agricultural Zones", of these regulations and shall be approved with the site plan.
6. The retail operation shall be screened from adjoining property by a landscaping screen, provided that the planning commission finds that the screening is necessary to protect adjoining properties from visual and noise impacts of the sales area.
7. The retail sales area, including the building layout, parking area, and signage, shall be designed to minimize its impact on the character of the surrounding area.

W. Rural retreats, subject to standards of section 4.104.

X. Public Safety Facilities, subject to the standards of section 4.107.

5.22.04. *Area regulations.* All buildings shall be set back from street or road right-of-way lines and lot lines to comply with the following yard requirements.

A. *Front yard.*

1. For dwellings the minimum depth of the front yard shall be forty (40) feet and in no case shall an accessory building, other than accessory farm buildings, be located between the principal structure and the street.
2. Churches and other main and accessory buildings, other than dwellings, shall have a front yard setback of fifty (50) feet.

B. *Side yard.*

1. For single-story dwellings, located on interior lots, side yards shall be not less than ten (10) feet in width.
2. For unattached buildings of accessory use there shall be a side yard of not less than ten (10) feet provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than eight (8) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front property line.
- 3.

Churches and other main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all side lot lines a distance of not less than thirty-five (35) feet.

C. *Rear yard.*

1. For main buildings, other than garage apartments, there shall be a rear yard of not less than thirty-five (35) feet.
2. A garage apartment may be located in the rear yard of another dwelling, but shall not be located closer than fifteen (15) feet to the rear lot line. Unattached buildings of accessory use shall not be located closer to any rear lot line than eight (8) feet.

D. *Lot width.* No lot shall be less than one hundred (100) feet wide at the building line.

E. *Intensity of use.*

1. For residential development, there shall be a lot area of not less than one (1) acre per dwelling, as follows:
  - a. For each house or mobile home, and buildings accessory thereto, there shall be a minimum lot area of not less than one (1) acre.
  - b. For each duplex, and buildings accessory thereto, there shall be a minimum lot area of not less than two (2) acres.
  - c. For each multi-dwelling development, and buildings accessory thereto, up to two (2) dwelling units (two (2) houses or a house with a garage apartment) may be located on a recorded lot that is two (2) acres or more.
2. For uses other than residential development, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in section 3.50, "Off-street parking requirements," of these regulations; provided, however, that the lot area for a church shall not be less than one (1) acre.

F. *Maximum lot coverage.* Main and accessory buildings shall cover not more than thirty (30) percent of the lot area.

5.22.05. *Height regulations.* No main building shall exceed three (3) stories or thirty-five (35) feet in height. Accessory buildings shall not exceed eighteen (18) feet in height; provided, however, the eighteen (18) feet height limitation may be exceeded to conform the pitch of the accessory building roof to the pitch of the roof of the principal use. In no case shall the bottom chord of the roof truss or the bottom of the ceiling joist of an accessory building exceed eighteen (18) feet in height.

5.22.06. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-98-12-102, § 1(Exh. A), 1-25-99; Ord. No. O-99-8-101, § 1, 9-27-99; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-00-11-106, § 1(Exh. A), 1-4-01; Ord. No. O-01-2-102, § 1(Exh. A), 3-26-01; Ord. No. O-01-2-

## EXHIBIT D

103, § 1(Exh. A), 3-26-01; Ord. No. O-01-1-101, § 1(Exh. A), 4-23-01; Ord. No. O-01-8-101, § 1(Exh. A), 9-24-01; Ord. No. O-07-4-102, § 1(Exh. A), 5-29-07; Ord. No. O-11-4-101, § 1(Exh. A), 5-23-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-11-101, § 1(Exh. A), 1-27-14; Ord. No. O-17-7-102, § 1(Exh. A), 8-28-17; Ord. No. O-17-8-101, § 1(Exh. A), 9-25-17; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17; Ord. No. O-19-5-101, § 1(Exh. A), 6-24-19



# Similar Use Determination

Knox County Only

Name of Applicant: Patrick & Kimberly McGuire

Date Filed: 1/22/2024 Application Accepted by: \_\_\_\_\_

Fee Amount: \_\_\_\_\_ Meeting Date: \_\_\_\_\_ File Number: 3-A-24-0B

<p align="center"><b>PROPERTY INFORMATION</b></p> <p>Address: <u>1112 Tarklin Valley Road</u>          General Location: <u>9th Civil District of Knox County TN</u>          Tract Size: <u>103.3 Acres</u> No. of Units: <u>1</u>          Zoning District: _____          Existing Land Use: _____          Planning Sector: _____          Sector Plan Proposed Land Use Classification: _____          Growth Policy Plan Designation: _____          Census Tract: _____          Traffic Zone: _____          Parcel ID Number(s): <u>159-080.00</u>          Jurisdiction: <input type="checkbox"/> County Commission _____ District</p>	<p align="center"><b>PROPERTY OWNER/OPTION HOLDER</b></p> <p>PLEASE PRINT          Name: <u>Patrick &amp; Kimberly McGuire</u>          Company: _____          Address: <u>1112 Tarklin Valley Road</u>          City: <u>Knoxville</u> State: <u>TN</u> Zip: <u>37920</u>          Telephone: <u>865-850-2711</u>          Fax: _____          E-mail: <u>info@baysmountainoffroad.com</u></p>
<p align="center"><b>USE REQUESTED</b></p> <p>ATTACH AS A SEPARATE DOCUMENT:</p> <p><input checked="" type="checkbox"/> <b>A detailed description of the proposed specific use.</b> Including: number of employees, hours of operation, products made or sold, services performed, special equipment used.</p> <p><input type="checkbox"/> <b>A statement indicating how the various permitted uses listed in the zoning regulations are similar in nature, operations, and character to the proposed use in this application and how they would be compatible.</b></p> <p><input type="checkbox"/> <b>Floor/site plan factors.</b> Details regarding limitations (such as maximum floor area or site area) on building and site development for the following: office areas, warehousing areas, manufacturing areas, showroom/retail areas.</p>	<p align="center"><b>APPLICATION CORRESPONDENCE</b></p> <p>All correspondence relating to this application should be sent to:</p> <p>PLEASE PRINT          Name: <u>Patrick &amp; Kimberly McGuire</u>          Company: _____          Address: <u>1112 Tarklin Valley Road</u>          City: <u>Knoxville</u> State: <u>TN</u> Zip: <u>37920</u>          Telephone: <u>865-850-2711</u>          Fax: _____          E-mail: <u>info@baysmountainoffroad.com</u></p> <p align="center"><b>APPLICATION AUTHORIZATION</b></p> <p>I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.</p> <p>Signature: <u>Kimberly McGuire</u>          PLEASE PRINT          Name: <u>Patrick &amp; Kimberly McGuire</u>          Company: _____          Address: <u>1112 Tarklin Valley Rd</u>          City: <u>Knoxville</u> State: <u>TN</u> Zip: <u>37920</u>          Telephone: <u>865-850-2711</u>          E-mail: <u>info@baysmountainoffroad.com</u></p>





## **BAYS MOUNTAIN OFFROAD, INC.**

### **WAIVER AND RELEASE OF LIABILITY AND ASSUMPTION OF RISK**

In consideration of permission from (the "Property Owner"), vendors or contractors and Bays Mountain Offroad("Bays") to allow the undersigned to attend and participate in activities (the "Activity") organized and hosted by Bays Mountain Offroad Inc., the undersigned acknowledges and agrees to waive all liability to the undersigned, whether caused by the negligent act or omission of any above persons and employees of Bays releases or otherwise while the undersigned is at for any purpose participating in such event. It is fully understood by each of the undersigned that there is inherent risk associated with this event, including damage to vehicles.

IN ADDITION, the undersigned AGREES TO INDEMNIFY AND HOLD HARMLESS the releases from any loss, liability, damage, or cost they incur due to such participation by the undersigned, and any passengers (including minors) whether caused by releases' negligence or otherwise, and AGREES TO ASSUME FULL RESPONSIBILITY AND RISK for any bodily injury, death, or property damage from releases' negligence or otherwise while the undersigned is participating at this event. IN SIGNING THIS RELEASE, EACH OF THE UNDERSIGNED HEREBY AGREES TO, ACKNOWLEDGES AND REPRESENTS THE FOLLOWING:

1. The risk of injury from the operation and/or utilization of off-highway vehicles, hiking, cycling and other means of transportation on mountainous terrain is significant, including the potential for permanent disability and death. There is an inherent risk of injury from my presence at, and/or participation in, the Activity; and
2. The Property has not been groomed or prepared as a trail, the results of which may be concealed and dangerous obstacles. I knowingly and freely assume all known and unknown risks even if arising from the negligence of the organizations listed below and assume full responsibility for my activities while on and using such real property;
3. I understand that the above mentioned activities are physically and mentally intense. I understand the safety procedures concerning any equipment or vehicles that I may be using and the general rules for traversing mountainous terrain and off-road trails and will comply with all rules, laws, regulations and procedures concerning these modes of transportation; and
4. I, for myself on behalf of my heirs, assigns, personal representatives and next of kin, hereby release and hold harmless the Land Owner, Bays Mountain Offroad, their officers, employees, vendors and contractors and officials ("RELEASEES") with respect to any and all injury, disability, death, or loss or damage to person or property, whether caused by the negligence of these "RELEASEES" or otherwise
5. I KNOWINGLY AND FREELY ASSUME ALL SUCH RISKS RELATED TO MY PRESENCE AT, AND/OR PARTICIPATION IN, THE ACTIVITY, BOTH THE RISKS KNOWN AND UNKNOWN, EVEN IF ARISING FROM THE NEGLIGENCE OF THE RELEASEES (as hereinafter defined), AND I ASSUME FULL RESPONSIBILITY FOR MY ATTENDANCE AND/OR PARTICIPATION IN THE ACTIVITY; and,
6. If I observe any unusual significant hazard during my presence at, or participation in, the Activity, I will remove myself from participation in such Activity and bring such to the attention of the nearest official or representative of the Property Owner and Bays immediately; and,
7. I, for myself and on behalf of my heirs, assigns, personal representatives, family and next of kin, HEREBY WAIVE ANY CLAIMS AGAINST, RELEASE AND HOLD HARMLESS the Property Owner, and its officers, directors, board members, agents and/or employees, other participants, sponsoring agencies, sponsors, advertisers, and, if applicable, owners and lessors of premises used to conduct the Activity(hereinafter referred to as the "Releasees"), WITH RESPECT TO ANY AND ALL INJURY, ILLNESS, DISABILITY, DEATH, or loss or damage to person or property, WHETHER ARISING FROM THE NEGLIGENCE OF THE RELEASEES OR OTHERWISE and , hereby agree to indemnify and hold harmless the Releasees against any loss, costs, damages, liens, expenses (including attorneys' fees), lawsuits, claims, procedures, actions or other liability claimed or

imposed upon the Releasees for any property damage or loss, personal injury of any kind, illness and/or death, whether arising from the negligence of the Releasees or otherwise. I agree to defend and indemnify Releasees from any claim, cost, or expense arising from or relating to my acts or omissions or alleged acts or omissions while participating in the Activity.

8. The undersigned further expressly agrees that the foregoing waiver and assumption of risk agreement is intended to be as broad and inclusive as is permitted by the law of the State of Tennessee and that if any portion thereof is held invalid, it is expressly agreed that the remaining terms and conditions shall, notwithstanding, continue in full legal force and effect.

I have read this release of liability and assumption of risk agreement, fully understand that I have forfeited substantial rights by signing it, and sign it voluntarily without any inducement.

FOR PARTICIPANTS OF MINORITY AGE (UNDER AGE OF EIGHTEEN (18) ON THIS DATE).

For a participant under the age of 18 years, one parent, the parent with legal custody, or the minor's legal guardian must sign this release form and write the word "minor" and the age next to the minor's name. This is to certify that I, as parent/guardian with legal responsibility for this minor, do consent and agree to his/her involvement in the above mentioned activities and agree to and adopt the aforementioned release as applicable to and binding upon such minor and for myself as parent or guardian, my heirs or assigns. Per T.C.A. § 55-9-302 and § 55-52-201, et seq., any child under the age of 18 must wear a helmet meeting U. S. Dept. of Transportation standards.

*This waiver is valid for as long as I have permission of Bays Mountain Offroad to be on the premises or if a \_\_\_\_\_ pass owner then it is valid until \_\_\_\_\_ or for as long as I have permission of Bays Mountain Offroad to be on the premises.*

**I HAVE READ THIS WAIVER AND RELEASE OF LIABILITY AND ASSUMPTION OF RISK AGREEMENT (THIS "AGREEMENT") AND FULLY UNDERSTAND ITS TERMS. I FURTHER UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS BY SIGNING THIS AGREEMENT AND FULLY INTEND THIS AGREEMENT TO BE A COMPLETE AND UNCONDITIONAL RELEASE OF ALL LIABILITY AS TO THE ABOVE RELEASEES TO THE GREATEST EXTENT ALLOWED BY LAW. I SIGN THIS AGREEMENT FREELY AND VOLUNTARILY.**

Participant's (DRIVER) Signature \_\_\_\_\_

Participant's (DRIVER) name, printed \_\_\_\_\_

Passengers: Signature \_\_\_\_\_

Passengers: Signature \_\_\_\_\_

Passengers: Signature \_\_\_\_\_

Passengers: Signature \_\_\_\_\_

Date \_\_\_\_\_

**Note: a fully signed copy of this Agreement must be received before the Participant is allowed to take part in the Activity. DRIVER is fully responsible for the safety of passengers in the vehicle.**

## **RULES:**

- 1. A release form must be signed by each person (which includes vehicle operators and passengers) entering upon the properties.**
- 2. Follow the instructions of the Trail Safety Official.**
- 3. All occupants MUST wear seatbelts at ALL times while on the Trails.**
- 4. NO ALCOHOL, drivers suspected of being intoxicated WILL NOT be allowed to participate and no refund given.**
- 5. All Minors and Participants who ride a side by side, four wheeler, mountain bike or dirt bike and any offroad equipment that does not have a fully welded roll cage must wear a helmet as well as all their passengers.**
- 6. NO OFF TRAIL RIDING – STAY ON THE MARKED TRAIL.**
- 7. Do Not Litter- this includes Cigarette Butts! Violators will be barred from the property and no refund given.**
- 8. Proper safety equipment must be worn at all times. Including but not limited to helmets fire extinguisher, seat belts and roll cages. Vehicle must have valid proof of insurance and current vehicle registration.**
- 9. Failure to follow the rules will result in removal from the park with no refund of fee.**