To the Graduate Council

I am submitting herewith a thesis written by Warren William Campbell entitled "An Assessment of Public Chapter 1101 Implementation in Blount County, Tennessee " I have examined the final copy for form and content and recommend that it be accepted in partial fulfillment of the requirements for the Master of Science in Planning, with a major in Planning

Cecilia Zanetta, Major Professor

We have read this thesis
and recommend its acceptance

Accepted for the Council

Associate Vice Chancellor and
Dean of the Graduate School

An Assessment of Public Chapter 1101: Implementation in Blount County, Tennessee

A Thesis
Presented for the
Masters of Science in Planning Degree
The University of Tennessee, Knoxville

Warren Campbell
May 2000

DEDICATION

This thesis is dedicated to

my parents, William and Jane Campbell;

my brother, Wesley Campbell;

my sister, Chelsey Campbell;

Ms. Miriam Lucas;

and

My extend family of the

Helveys and Campbells

who have helped me to grow into the person I am.

ACKNOWLEDGMENTS

My two year tenure at the University of Tennessee has given me many rewarding experiences. Through the faculty of the School of Planning I have learned the skills, which will help me to succeed in both my life and career. I would like to especially thank my thesis advisor, Dr. Cecilia Zanetta, for her dedication to the completion of my thesis. Her guidance was invaluable throughout the process of completing this thesis. I would also like to thank both James Spencer and Teresa Shupp for serving on my thesis committee. There comments and suggestions have helped to make this a quality thesis.

There are several other people whom should also be recognized. Dr. Patterson and Nancy Loftis your help and humor helped to make life a little less stressful. Professor Bowen your views on life have taught me to stop and smell the roses a little more often. Finally, I would like to thank Blount County and all the individuals who helped with the supply of information for this thesis, especially Patricia Tipton.

ABSTRACT

This thesis assesses the mandated growth management legislation of Tennessee, Public Chapter 1101, and its implementation in Blount County. The actual legislation was reviewed in order to determine both the mandates and objectives included within the document. Blount County was then reviewed and observed as a case study, in order to gather information on the plan of action being taken by the county and it's municipalities. The information gathered from Blount County was then compared to the objectives and mandates of the legislation in order to determine wether or not Blount County meet the mandates of the legislation and achieved the objectives. The thesis concludes with recommendations and key things learned from the implementation of Public Chapter 1101 in a real world situation.

PREFACE

This thesis will allow the author to explore an interest in growth management legislation in order to curb sprawl. The author had been introduced to the idea of urban sprawl and its impacts on planning through the pursuit of a Masters of Science Degree in Urban Planning. While attending the University of Tennessee the author was exposed to the recently enacted Public Chapter 1101 as Tennessee's response to urban sprawl's attack on the rural character of the state. Upon study of the law several questions were developed by the author such as, the true intent of the law and how counties would go about complying with the objectives and mandates of the law.

Chapter one serves as an introduction to the topic of state-level growth management legislation. Include as well is a brief description of the background on growth management legislation and its relevance to the field of planning and city financing. Finally it gives a brief description of Blount County. From this base of information the thesis will move into a more in-depth exploration of state-level growth management and a more detailed analysis of Tennessee's Public Chapter 1101.

Chapter two details what the idea of growth management encompasses. In addition, it will provide an overview of

the other states which have state mandated growth management legislation. The chapter then explores the history of Public Chapter 1101 and how it came to be proposed and enacted. Finally, the objectives and mandates of Public Chapter 1101 are summarized.

Chapter three looks exclusively at the implementation of Public Chapter 1101 in Blount County. Within the chapter there is a more in-depth look at Blount County, it's history of past annexation, and the University of Tennessee's population predictions. There will also be an analysis of the composition of the Coordinating Committee and each individual's stake in the process. The chapter will continue with a look at the county's and each municipalities proposed growth plan and the strategies used by each to accomplish their goals. A look at the bargaining process used, the amount of public participation, and a look at the final product will conclude the third chapter.

Chapter four concludes this thesis with a final assessment of the process and makes recommendations. The experience of Blount County is examined as to how well it achieved the objectives of Public Chapter 1101. A look at the major factors affecting the process will be included as well as an assessment of the outcome. The chapter concludes with a look at the key lessons learned and what implications

the policy had and what changes could be made to make Public Chapter 1101 work more smoothly.

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CHAPTER I

Introduction

Growth Management

The face of the typical American city has changed dramatically during the 1900's and it is predicted to continue following current trends(ULI, 1998). As a result of the enormous growth seen in many urban areas, many states have chosen to tackle the problem of urban sprawl with growth management legislation. Urban sprawl is the phenomenon of farms becoming sub-divisions or shopping centers, small towns becoming suburbs, suburbs becoming satellite cities, and two-lane roads becoming four-lane highways(English, 1999).

There are currently eleven states which have some form of state mandated growth management legislation. These states and the years in which they enacted their legislation are Hawaii in 1961, Vermont in 1970 and 1988, Florida in 1972 and 1985, Oregon in 1973, New Jersey in 1985, Maine in 1988, Rhode Island in 1988, Georgia in 1989, Washington in 1990 and 1991, Maryland in 1992, and finally Tennessee in 1998(Zovanyi, 1999). This thesis will examine the recent growth management legislation enacted by Tennessee. In particular, this thesis will focus on the implementation of

Public Chapter 1101 in Blount County, Tennessee.

Background

Several items have spurred the metamorphosis of what were once compact cities with rather high densities to cities with low densities covering enormous areas. The change occurred primarily due to the advancement of technology, such as the affordable automobile and some key federal programs, such as the Federal Highways Act and the GI Bill (ULI, 1998).

Before the 1920s the location of the street cable car and railroad lines determined the location of development. The development which followed the rail lines was relatively compact as most people walked from home to catch public transportation to other parts across town(ULI, 1998). As rail routes expanded outside the old city cores, development followed, starting the trend towards suburbanization.

The automobile was the next major factor to change the shape of the American city. The car freed the urban citizen to travel beyond the bounds and limits of railroad and street car. Along with the popularity of the car the federal government spent large sums of money for programs to build networks of boulevards, parkways, and expressways, which opened up the country side for development (ULI, 1998). One such program was the Federal Aid Highway Act of

1956 which provided federal money to construct a system for transcontinental travel.

After World War II soldiers returning from the war found that interest rates were inflated and the possibility of purchasing a home were greatly reduced. In response the federal government enacted an aggressive program to combat the problem of high interest rates many veterans faced when trying to purchase a home. The name of the program was the GI Bill, which subsidized homebuyers through the tax code by allowing deductions of mortgage loans(ULI, 1998).

Many individuals have identified several of the factors resulting in urban growth. Dantzig and Saaty have developed a list of nine socioeconomic causes for urban sprawl in their book the *Compact City: A Plan for a Liveable Urban Environment*. The list includes:

"1. Overall increase in population.
2. Movement from the farms to the city.
3. Density of the inner city.
4. Decay of residences around the city core.
5. Rising economic means permitting residents in the inner city to move to suburbs and residents in the suburbs to move to larger homes on larger lots.
6. Development of extensive highways systems.
7. The relocation of industry
8. The development of the multicar family.
9. Rising urban transportation problems."

The above list contains both the obvious causes of urban sprawl, such as the expansion of highway systems and multicar families, and some less obvious causes, such as

greater economic means and the decay of residences around the city core. Several items promote the above causes such as the use of the gasoline tax primarily for highway construction. "These trends are, of course, interdependent, but once established, they seem to have a life of their own (Dantzig and Saaty, 1973)."

There are many negative impacts of urban sprawl. The Organisation for Economic Co-operation and Development, through the use of the U.S. Census, found that "from the 1950's to the 1990's, 522 central cities in the United States increased in area from 10,498 square miles to 27,704 square miles. But at the same time population density had been reduced from 5,873 persons per square mile in 1950, to 2,937 persons per square mile in 1990." It can be seen that cities have taken up more open space beyond current boundaries for growth while allowing a larger area to be developed a lower densities then those which previously occurred in the older city(OECD, 1996). This type of growth degrades water quality and air quality, increases traffic congestion, reduces open space and productive farmland, and increases fiscal concerns for providing services(ULI, 1998).

Relevance

The relevance of growth management legislation is significant in the areas of land use planning, transportation planning, utilities planning, planning fiscal budgets of cities and counties, and the environment. The sprawl of subdivisions on the outside of traditional urban cores has presented many problems for planners and other government officials(ULI, 1998).

With each new subdivision annexed, a plethora of basic city services need to be extended such as, water, sewer, roads, police and fire protection, and schools. All of these services need to be planned for and money must be set aside in fiscal budgets. The impact on fiscal budgets can become so great that some cities and counties have begun to enact a form of impact fees. Impact fees are a form of tax which is charged to a developer in order to provide the money necessary to extend water lines, sewer lines, build or improve roads, build new schools and provide fire and police protection.

Urban sprawl is impacting the environment and is depleting some of the most fertile agricultural land and open space (ULI, 1998). The development of large lot, low density subdivisions depletes the already restrict habitats of numerous species. Not only does development remove

habitat, but it breaks up larger areas used in species ranging or migration. Other impacts include the elevated pollution levels caused by the increased driving done by individuals driving to and from their subdivisions to destinations.

Growth in Tennessee: Some Facts to be Considered[1]

- "Tennessee is among the top 10 states in conversion of farmland to development. Between 1982 and 1992, 436,000 acres were developed-approximately 4% of the state's total farmland. Of the land converted during this period, more than one-third was prime or unique farmland. (Source: American Farmland Trust; 1992 Census of Agriculture, Economic Research Service, U.S. Department of Agriculture)

- Between 1990 and 1997, Tennessee's population grew from 4.9 million to 5.4 million-an increase of more than 10 %. In contrast, the total U.S. population grew less than 8% over the same period. (Source: U.S. Bureau of the Census)

Tennessee's Response and Purpose of Thesis

As a result of numerous conflicts which arose between counties and municipalities over annexations the state decided to address the problem of growth. The state's answer to the annexation conflict and municipal growth was the ratification of Public Chapter 1101. Public Chapter

[1]Facts taken from *Smart Growth for Tennessee Towns and Counties A Process Guide*, February 1999.

1101 mandated that all 95 counties and all municipalities create 20 year growth plans, which would guide future annexations.

This thesis will examine the implementation of Tennessee's Growth Policy Act in Blount County. An actual case study will provide a unique opportunity to assess some of the merits and deficiencies of this legislation in a "real-life" situation. As the legislation mandates a deadline of January 31, 2000 to have the plan completed, the present time presents a unique window of opportunity to observe the process first hand. This has allowed for attendance of Coordinating Committee meetings, public meetings, and conversation with players involved in the process of build consensus over the growth boundaries.

The main research question is to assess to what extent Public Chapter 1101 met it's stated objectives in relation to its implementation in Blount County. Secondary research questions include an analysis of the planning process, the role of planners, strategies used by the county and municipalities, conflicts among different stakeholders, and the final product of the process.

Research information is obtained from several publications produced by Tennessee State agencies. The actual law is a major source in relation to its mandates and

objectives of the law. Attendance and review of minutes from the Coordinating Committee are key elements of this research, as they help to understand the process involved in meeting requirements in the law. The plans produced by each municipality and the county will also be used as data.

This thesis will provide ample benefits to local planners in Tennessee by providing an objective account of the implementation of this legislation, as well as an analysis of strengths and weaknesses of the legislation. Also, based on Blount County's experience, the thesis will attempt to provide a preliminary assessment of the effectiveness of Chapter 1101 in relation to its stated objectives. As the true impact of the mandates imposed by Public Chapter 1101 are not yet known, a real world look into the struggles of a county attempting to comply with the requirements would be insightful for those outside the process.

This thesis will also be of interest to other states wishing to enact some form of growth management. It can also serve as a guide on Tennessee's Growth Management Act for state officials wanting a impartial review of how the outcomes of the law differed from the desired goals. It will point out strengths and flaws so that future legislation can be strengthened and clarified in order to

produce the desired result. Finally this thesis will be of interest to the general public whom may be interested in the legislation and the process it entailed.

CHAPTER II

Public Chapter 1101

What is Growth Management?

In the later half of this century cities have grown past previous conceived ideas of what the form of a city should encompass. The costs and benefits of continued growth are emerging as major public issues in many communities across the nation. "There is hesitation over accommodating further development with its attendant consequences of greater numbers of residents and higher densities, economic expansion, rapid consumption of land, and alteration of the environment(Scott, 1975)." In several communities the outcry for some form of control has appeared in various types of legislation. Growth management legislation has appeared at the state level in eleven states.

The exact definition of growth management varies from author to author, however, they all include essentially the same principles. Scott defines managed growth as, "the utilization by government of a variety of traditional and evolving techniques, tools, plans, and activities to purposefully guide local patterns of land use, including the manner, location, rate, and nature of development." Others

define growth management as an attempt to "achieve a responsible balance between the protection of natural systems - land, air, and water - and the development required to support growth in the residential, commercial, and retail areas(DeGrove and Miness, 1992)."

Growth management ideals and goals utilize multiple tools. The tools used from location to location or legislation to legislation vary based on what the creators see as being best at achieving the desired goals. Some of the most common tools utilized are urban growth boundaries, delineation and protection of critical environmental areas and prime agricultural land, requirements for adequate public facilities, land acquisition in fee simple or by purchase of development rights or easements, and provisions for affordable housing programs (Porter, 1997).

At the present time there are eleven states which have enacted some form of state wide growth management legislation. States are in a unique position to as they control enough territory to make growth management legislation effective. Local governments rarely control enough territory to make growth management meaningful (Kelly, 1993). The first state to recognize the need for growth management legislation was Hawaii in 1961. The other states include Vermont, Florida, Oregon, New Jersey, Maine,

Rhode Island, Georgia, Washington, Maryland, and Tennessee(Zovanyi, 1999). Tennessee is the most recent state to pass a state mandated growth management law in May of 1998.

Select Growth Management Legislation from Other States

In 1970 Vermont passed Act 250, which was in response to "rampant resort development and land speculation that sent land prices soaring and raised residents concerns that their green mountain environment was vanishing."(ULI, 1998) The legislation set up an environmental commissions to review development proposals for conformance with a list of state criteria(ULI, 1998).

The State of Florida passed it's growth management program in 1972 in response to the worries of citizens' over the quality of rapid growth occurring and its fiscal cost(ULI, 1998). The legislation required regional and state level approval of development plans.

Other States followed such as Oregon, Delaware, and Maryland developed list of goals or "visions" which were to guide their growth management legislation. Oregon created the need for growth boundaries around urban centers and all development must agree with the state's goals before approval(ULI, 1998). The State of Maryland utilizes state

funding for infrastructure to guide development into desired locations(ULI, 1998). The flurry of state growth management legislation lately has been prompted by America's booming economy(ULI, 1998).

History of Tennessee's Growth Policy Act[1]

The State of Tennessee is the most recent to join the growing list of states which has mandated state-wide growth management legislation. Tennessee's Growth Policy Act, Public Chapter 1101 (PC 1101), resulted from a history of annexation controversy within the state between numerous cities and their respective counties. Within the state "annexation has evolved from annexation by private act, to annexation by general law, and finally, through Public Chapter 1101, to annexation by general law within the framework of comprehensive growth policy (TACIR, 1999)." Annexation by private act was a power that the state legislature had to decide who, where, and when to annex areas to municipalities. Under this type of annexation local governments and residents where not always consulted prior to passage in the state legislature. Public Chapter 1101 was passed by the Tennessee State Legislature on May 19, 1998.

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[1]Information on the history of Public Chapter 1101 comes from the TACIR March 1999 publication

Annexation by private chapter was practiced throughout the country by many states since the ratification of state constitutions. The practice of annexing through private chapter presents several problems, as the powers of the legislature could easily be abused. It was possible for annexation legislation to be passed without the consent of property owners or local governments. This type of annexation abuse created tension between those wishing to annex areas, primarily for economic gain, and those wishing to remain outside the core urban centers. Tension over annexations in the state grew until 1953 when residents of the state voted for an amendment to the State Constitution to provide for annexation by general statute. In 1955 the General Assembly enacted Public Chapter 113, which allowed municipalities to annex by either ordinance or referendum. The number of annexations carried out by municipalities across the state was great with only 18 done by referendum and 716 by ordinance. The large number of annexations performed by municipalities prompted suburban residents, county governments, and utility districts to push for changes in the legislation.

The General Assembly requested that a study be performed to examine the effects of the current annexation legislation. The Legislative Council Committee found that

there were indeed problems associated with Public Chapter 113. Many of the problems focused on the poor planning being performed prior to annexation and the duplication of public services and utilities, which were "threats to public health and safety" and a "waste of taxpayer money". The findings of the Committee prompted revisions to Public Chapter 113 and the creation and enactment of Public Chapter 753 in 1974.

Public Chapter 753 incorporated several major changes, which addressed the faults found in Public Chapter 113. Public Chapter 753 required a plan of municipal services, a public hearing of the plan for public services, and the burden of providing sufficient reasoning for annexation was placed on the municipality and removed from the plaintiff.

Many years passed and annexation legislation remained fairly constant, however, in 1996 the passage of Public Chapter 666, allowed for the incorporation of municipalities as small as 225 persons. Controversy soon arose when the law was challenged by the Town of Oakland in Fayette County. While the lawsuit was being heard in the courts the General Assembly passed Public Chapter 98 of 1997, which was similar to Public Chapter 666. However, it did not contain narrow geographic classifications. After extensive legal debate both Public Chapter 666 and Public Chapter 98 were found to

be unconstitutional. This prompted the Lieutenant Governor John S. Wilder, Speaker of the Senate, and House Speaker Jimmy Naifeh to place focus on the development of a solution to the problems with annexation and incorporation in the state.

An Ad Hoc Study Committee on Annexation was formed and was charged with exploring several questions. The Committee was guided by co-chairs Senator Robert Rochelle and Representative Matt Kisber. The Committee gathered information from experts and policy stakeholders to develop their recommendations. The Committee developed the framework of what was to become Public Chapter 1101. The Senate and House approved the legislation with an overwhelming margin, and the bill was signed into law by Governor Sundquist on May, 19, 1998. Under Public Chapter 1101 the state mandates that each of the 95 counties prepare a projected 20 year growth plan for both the county as a whole and each municipality within the county (IPS and TACIR, 1998).

Objectives of Public Chapter 1101

Public Chapter 1101 was created with the purpose of eliminating the controversy surrounding annexation in the state. The law included several objectives, which the

drafters felt would address the problems found by the Ad Hoc Committee on Annexation. Sections 3, 7, and 8 within the law list the objectives of the legislation. The objectives include:

- Eliminate annexation or incorporation out of fear.
- Establish incentives to annex or incorporate where appropriate.
- Stabilize each county's education funding base and establish an incentive for each county legislative body to be more interested in education matters.
- Minimize urban sprawl.
- Provide a unified physical design for the development of the local community.
- Encourage a pattern of compact and contiguous high density development to be guided into urban areas or planned growth areas.
- Establish an acceptable and consistent level of public services and community facilities and ensure timely provision of those services and facilities.
- Promote the adequate provision of employment opportunities and the economic health of the region.
- Conserve features of significance statewide or regional architectural, cultural, historical, or archeological interest.
- Protect life and property from the effects of natural hazards, such as flooding, winds, and wildfires.
- Take into consideration such other matters that may be logically related to or form an integral part of a plan for the coordinated, efficient and orderly development of the local community.

- Maximize reuse and redevelopment.
- Provide for a variety of housing choices and assure affordable housing for future population growth.
- Manage natural resources and take into account impacts on agricultural lands, forests, recreational areas and wildlife management areas.

Mandates of Public Chapter 1101

Recognizing that the State of Tennessee varies greatly in composition and character across the extent of its boundaries Public Chapter 1101 does not impose any single solution, but provides the structure for each municipality and county to generate a unique solution cooperatively (IPS and TACIR, 1998).

In order to accomplish the objectives of the law the legislation enumerates several mandates. These mandates include:

- The creation of a "Coordinating Committee" with a composition detailed in Section 5 of Public Chapter 1101.
- The county legislative body and municipalities must have at least two public hearings on their plans before they present them to the Coordinating Committee. The Coordinating Committee must have at least two public hearings on the consolidated growth plan for the entire county before sending it off to be voted on by legislative bodies.
- By January 1, 2000 the Coordinating Committee must submit a recommended growth plan to the county legislative body and each municipality within the county for ratification. The legislative bodies

within the county have 120 days to either ratify or reject the plan.

- Within the plan submitted by the Coordinating Committee there must be both urban growth boundaries[1] and planned growth areas[2] delineated with the remainder of the county designated rural area[3].

- If the recommended growth plan is ratified by the county and all municipalities the plan can be sent of to the state, however, if just one legislative body rejects the plan the Coordinating Committee has until July 1, 2000 to have a plan which is excepted by all groups.

- If on July 1, 2000 no plan has been ratified by the county legislative body and all municipalities, then the plan is sent to Nashville where a panel of Administrative Law Judges will determine an acceptable growth plan for the county.

- After ratification of a growth plan for the county it details the process by which municipalities may annex territory. All annexed areas must be inside the UGB and a plan for the provisions of services must be included with a deadline for their completion.

- If the July 1, 2000 deadline is not achieved there are penalties which will be assessed in the form of withholding state grant money.

1

Urban Growth Boundary (UGB)- The municipality and contiguous territory where high density residential, commercial, and industrial growth is expected, or where the municipality is better able than other municipalities to provide urban services. Definition adapted from Public Chapter 1101

2

Planned Growth Area (PGA)- Territory outside municipalities where high or moderate density commercial, industrial, and residential growth is projected Definition adapted from Public Chapter 1101

3

Rural Area (RA)- Territory not in a UGB or a PGA and that is to be preserved as agricultural lands, forests, recreational areas, wildlife management areas or for uses other than high density commercial, industrial, or residential development Definition adapted from Public Chapter 1101

Composition and Purpose of the Coordinating Committee

In order to foster a cooperative spirit and provide a balance of representation Public Chapter 1101 establishes the composition of a "Coordinating Committee". The purpose of the Coordinating Committee is to represent their respective parties. Committee members include representatives from each municipality, the county, an educational system representative, a municipally-owned utility representative, a non-municipally-owned utility representative, the County Executive, and several representatives to be appointed by both the county and the largest municipality to represent environmental, construction, and homeowner interests. The minimum size of each county's committee should be no less than 11 members.

The goal of the Coordinating Committee is to prepare a plan that designates several areas as defined within the legislation. These are urban growth boundaries, planned growth areas, and rural areas. Urban growth boundaries are those areas contiguous to existing municipalities within which high-density development should occur during the next 20 years based on population growth predictions. Planned growth areas are those areas outside of municipalities in which medium to high density growth is expected to occur. Rural areas are those which do not fall under either of the

two other categories and are to be reserved for agriculture, recreation, forest, wildlife, and for uses other than high-density commercial uses or residential development.

Incentives/Penalties for Completing/Not Completing the Growth Plan[1]

(1) Incentives for Completing the Growth Plan

Beginning July 1, 2000, any county (and municipalities within the county) that have an LGPAC- [Local Government Planning Advisory Committee] approved countywide growth plan will receive an additional 5 percent score in any evaluation formula for allocation of:

- Private activity bonding authority
- Community Development Block Grants
- Tennessee Industrial Infrastructure grants
- Industrial Training Service grants
- State revolving fund loans for water and wastewater systems
- HOUSE and HOME grants and some other Tennessee Housing Development Agency Programs

(2) Penalties for Not Completing the Growth Plans

Effective July 1, 2001, any county (and municipalities within the county) that does not have an LGPAC-approved

[1]Taken from the University of Tennessee Institute for Public Service and TACIR publication

countywide growth plan in place will not be eligible for or receive:

- Community Development Block Grants
- Tennessee Industrial Infrastructure grants
- Industrial Training Service grants
- Tourist Development Grants
- Tennessee Housing Development Agency grant programs
- Intermodal Surface Transportation Efficiency Act(ISTEA) funds or any subsequent federal authorization for transportation funds

The provision for incentives and penalties was included in order to motivate counties to achieve a ratified plan. Many counties receive multiple grants from the state and would be drastically affected by a reduced chance or no chance of receiving the various grants. In addition, if a plan is not ratified by the county it is detailed in the legislation that Administrative Law Judges will determine the urban growth boundaries, planned growth areas, and rural areas for the county with or without input from the stakeholders.

Wrap Up

With the objectives, mandates, and penalties extracted from the legislation it becomes apparent what state

legislature had in mind for the product. However, the real test is in the implementation of Public Chapter 1101. In the next chapter there will be an analysis of Blount County's attempt to meet the mandates and objectives of the legislation. An actual copy of the legislation, Public Chapter 1101, is located in Appendix A.

Chapter III

Implementation of Public Chapter 1101 in Blount County

Description of Blount County

Situated at the foothills of the Great Smoky Mountains, Blount County encompasses 575 square miles(1990 Census)in the eastern portion of Tennessee. The terrain of the county ranges from mountains with extremely steep slopes to rolling hills. Much of the county is dedicated to farmlands. Approximately 30% of the total area of the county is comprised of the Great Smoky Mountains National Park(Blount County Resource Guide). Within the county there are six municipalities which vary greatly in population. The municipalities from greatest population to least include, Maryville, Alcoa, Louisville, Friendsville, Rockford, and Townsend. Currently, Blount County possess's no county wide zoning ordinance. The lack of a county wide zoning ordinance has been the subject of controversy for many years. There has been great opposition to the implementation of a county wide zoning ordinance as most citizens feel it will limit their property rights.

According to the 1990 Census of Population and Housing per capita income in Blount County was $12,674, the median family income was $30,277, and 10.0% of the families lived

below the poverty level in 1989. In 1995 Blount County had a labor force of 49,240 individuals with 46,600 being employed creating an unemployment rate of 5.4%(Tennessee Department of Employment Security).

In comparison, the State of Tennessee in the 1990 Census of Population and Housing had a per capita income of $12,225, a median family income of $29,546, and 12.4% of the families lived bellow the poverty level. In 1995 Tennessee had a labor force of 2,712,100 individuals with 2,571,400 employed creating an unemployment rate of 12.4% (Tennessee Department of Employment Security).

As illustrated by the census data Blount County has both a higher per capita income, median family income, and lower percentage of its residents living bellow the poverty level. The fact that jumps to the foreground is that Tennessee has a 12.4% unemployment rate while Blount County's unemployment rate is only 5.4%. This displays that Blount County's efforts to recruit multiple industries has given numerous employment opportunities to the citizens of the county.

Municipalities and their Description

Maryville[1]

The City of Maryville is located at the center of Blount County south of Alcoa along Alcoa Highway and US Highway 35. Maryville is the largest municipality within Blount County encompassing 15.6 square miles. The city of Maryville has extensive commercial opportunities and several large industrial parks within it's boundaries. Maryville has a large enclosed mall and several large strip malls, which service the shopping needs of most residents of the county. In addition, Maryville has a downtown area which has seen decline over the decades and very little commercial is located in the vicinity. Maryville is the home of Maryville College, a small private liberal arts college with a population near 1,000 students.

The city provides urban services, such as water, sewer, police, and fire protection. The current population of Maryville is 23,042 and it is predicted to be 32,570 in the 2020(University of Tennessee Center for Business and Economic Research). According to the 1990 Census of Population and Housing per capita income in Maryville was $13,420, the median family income was $32,442, and 11.1% of the families lived below the poverty level in 1989.

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[1]Information taken from The City of Maryville's Urban Growth Plan 1999

Alcoa[1]

The city of Alcoa is located in the northen portion of Blount County with Maryville sharing its southern most boundary. Alcoa encompasses an area of approximately 8.5 square miles. The city is located along Alcoa Highway and was formed as a factory town by the Aluminum Corporation of America (ALCOA). A great deal of the older neighborhoods consist of smaller homes where workers in the factory would live. The Knoxville Metropolitan Airport is located on the western side of the city and has significant impact on the city in terms of traffic and revenue. The airport is autonomous of the city and provides it's own police and fire protection.

The city of Alcoa provides water, sewer, police, and fire protection to it's citizens. The current population of Alcoa is 7,237 and it is predicted to be 8,833 in the 2020(University of Tennessee Center for Business and Economic Research). According to the 1990 Census of Population and Housing per capita income in Alcoa was $12,875, the median family income was $27,385, and 11.5% of the families lived below the poverty level in 1989.

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[1]Information taken from conversations with various Alcoa representatives.

Louisville[1]

The Town of Louisville consists of approximately 13.3 square miles located in the northwestern area of Blount County on Fort Loudon Lake. Louisville has several legal annexation agreement boundaries with Alcoa. Louisville has no sewer service and water service is provided by South Blount County Utility District within the city limits, which contributes to the rural nature of the town. There is very little commercial activity within the town as it primarily serves as bedroom community. Commercial activities within the county include convenience stores and gas stations, a produce market, and a marina. Police protection comes from the county and fire service is provide by Rural Metro.

The town incorporated in order to prevent the kind of development they saw as detrimental to the character of a community. The residents of Louisville pride themselves on being a rural residential community and zone for commercial or industrial use on a by need basis. The current population of Louisville is 1,455 and it is predicted to be 1,776 in the 2020(University of Tennessee Center for Business and Economic Research). No data was available for Louisville in regards to per capita income, median family

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Information taken from the Local Planning Assistance Office's Urban Growth Boundary Report for Louisville, 1999

income, or percent of families below poverty level.

Friendsville[1]

The City of Friendsville consists of approximately 2.39 square miles located off State Highway 321 in Southeastern Blount County. Friendsville shares a western border with Maryville. A small number of commercial establishments serve the needs of residents. Friendsville grew out of the rock quarry industry and currently has three active quarries within the city limits. The dominance of the quarries in the economy has diminished over the years and many residents within Friendsville commute to either Maryville, Alcoa, or Knoxville and is known as a bedroom community.

Friendsville has no sewer service and water service is provided to a large portion of the incorporated city. Police protection is provide by the city and fire protection is provided a volunteer department. The current population of Friendsville is 950 and it is predicted to be 1,343 in the 2020(University of Tennessee Center for Business and Economic Research). According to the 1990 Census of Population and Housing per capita income in Friendsville was $12,070, the median family income was $33,750, and 5.5% of the families lived below the poverty level in 1989.

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Information taken from the Local Planning Assistance Office's Urban Growth Boundary Report for Friendsville, 1999

Rockford[1]

The City of Rockford consists of approximately 2,008 acres located in the north-central portion of Blount County. Rockford shares it's western boundary with Alcoa and the Old Knoxville Highway runs through the city. The extension of the Pellissippi Parkway, which has been funded will bring several changes to Rockford as an interchange is to be located in the community. This will bring a greater number of commuters through the area causing the development of commercial establishments to serve local residents and the commuters. The Pellissippi interchange could bring more individuals to the quiet small community to live as commute times will be greatly reduced from the area to job sites outside the county.

Rockford currently has no sewer service and the city has water provided by three different utility companies. The city provides police protection and fire protection is contracted from Blount County Fire Department. There is limited commercial and office within the city, which primarily services local needs. The current population of Rockford is 746 and it is predicted to be 964 in the 2020(University of Tennessee Center for Business and

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Information taken from the Local Planning Assistance Office's Urban Growth Boundary Report for Rockford, 1999.

Economic Research). According to the 1990 Census of Population and Housing per capita income in Rockford was $11,817, the median family income was $30,417, and 7.4% of the families lived below the poverty level in 1989.

Townsend[1]

The City of Townsend is located within the Tuckaleechee Cove, in southeast Blount County. The City lies along US Highway 321 and consists of approximately 389 acres. Townsend is situated at one of the busiest entrances to the Great Smoky Mountains National Park, which is the driving force behind the tourism oriented commercial establishments currently in place. Tourism activities within the town include lodgings, retail sales, commercial recreation, and food services. The focus on tourism of the local econony is expected to continue into the future. Residents of the town must travel 20 miles to Maryville for general retail and professional services. There is no sewer service in Townsend which attributes to the low development density. Large lot sizes are necessary in order to accommodate large septic systems. Water service is provided within the city limits by the Tuckaleechee Cove Utility District. Police protection is provided within the incorporated city by the

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Information taken from the Local Planning Assistance Office's Urban Growth Boundary Report for Townsend, 1999

City of Townsend and fire protection is provide by a volunteer fire department. The current population of Townsend is 426 and it is predicted to be 602 in the 2020 (University of Tennessee Center for Business and Economic Research). According to the 1990 Census of Population and Housing per capita income in Townsend was $10,428, the median family income was $18,125, and 9.7% of the families lived below the poverty level in 1989.

Currently a large portion of Highway 321 is being widened through the City of Townsend. Highway 321 is presently a two lane road through Townsend, however, the Tennessee Department of Transportation has deemed it necessary to widen the road due to traffic congestion which occurs during peak tourism seasons. The road being constructed will be a four lane highway with no stop lights and is predicted to alleviate the congestion. The construction of the road has initiated great controversy over the need, the negative change which could occur to the town, and the discovery of Indian burial sites in the pathway of the road. Debate is continuing on the future of the road.

Summary of Municipalities

In the above municipal descriptions a brief background was given in order to better understand the situation of each prior to the creation of an urban growth boundary. Table 1 summarizes some of that data and presents it in a graphic form. Within Table 1 each municipality's current and predicted 2020 populations are given as well as a check list for major services which could be provided by a typical

Table 1:

Services Provided by Each Municipality								
Municipality	Current Population	Projected 2020 Population	Police	Fire	Water	Sewer	Schools	Trash
Maryville	23,042	32,570	X	X	X	X	X	X
Alcoa	7,237	8,833	X	X	X	X	X	X
Louisville	1,455	1,776	O	O	O	O	O	O
Friendsville	950	1,343	X	O	X	O	O	O
Rockford	746	964	X	O	O	O	O	O
Townsend	426	602	X	O	O	O	O	O

Legend:

X- Provided by Municipality

O- Not Provided by Municipality

Sources: Current Population and Projected 2020 Population from the University of Tennessee Center for Business and Economic Research. Municipally provided services from respective Urban Growth Boundary Reports.

city. It can be seen that Maryville and Alcoa are the only two which provide all typical city services. The small size and rural nature of the other four municipalities does not facilitate the expenditure of taxes as Blount County or private contractors can more effectively provide for on an individual needs basis.

Annexation History[1]

Municipalities within Blount County did their share of annexing which helped to cause conflict between the county and added to the push for Public Chapter 1101. TACIR gathered the annexation histories on all towns in Tennessee from 1980 through 1996. Louisville was not incorporated until after 1996 so no data was collected. The other municipalities had annexation numbers as follows:

- Maryville 42
- Alcoa 31
- Friendsville 3
- Rockford 1
- Townsend 2

During the period from 1980 to 1996 there was intense competition and fear between Maryville and Alcoa for the annexation of commercial areas for economic gain. The competition led to large numbers of annexation, with many

[1]Information taken from TACIR publication, *The History of Public Chapter 1101*, March 1999

being finger annexations, just to reach certain locations where commercial establishments collected. Maryville and Alcoa eventually agreed on lines upon which the other would not cross. While Maryville and Alcoa appeared to be annexing vast areas, several of the smaller communities began to feel the pressure of the competition. Fear of annexation into Alcoa prompted the community of Louisville to incorporate and establish a boundary line between the two cities. Rockford also established a demarcation line of annexation between Alcoa. Maryville and Friendsville have share a border along Highway 321 and have agreed on future annexation extent.

The Metropolitan Knoxville Airport Authority was established in 1978, for the purpose of ownership, management, operation and maintenance of McGhee Tyson Airport. "McGee Tyson Airport, located in Blount County, is unique in the State of Tennessee in that it is the only airport with regularly scheduled commercial passenger service located in a county other than the county where the creating municipality is located (Metropolitan Knoxville Airport Authority 1999)." The airport falls within Alcoa's planning region, however, is overseen by a nine member committee which is appointed by the Mayor of Knoxville. The airport occupies approximately 2500 acres in Blount County

west of the City of Alcoa. The Airport Authority provides for all services that the airport utilizes, such as fire and police protection and infrastructure upkeep. Water and electricity are purchased from private providers. Blount County receives approximately half a million dollars in taxes each year from the airport as mentioned in Coordinating Committee meetings by Blount County representatives.

University of Tennessee Population Predictions[1]

The University of Tennessee Center for Business and Economic Research had the responsibility of establishing predictions for growth in each municipality and county in Tennessee. The population predictions for Blount County were calculated on five year intervals from 2000 to the year 2020. In order to perform this task the University of Tennessee Center for Business and Economic Research devised a statistical technique based on sound mathematical principles. A detailed explanation of the statistical techniques used can be found in Appendix B.

The population predictions were performed in three stages. First, predictions for each of the 95 counties were

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1 Information adapted from The University of Tennessee Center of Business and Economic Research Population Predictions

calculated. The county predictions were then summed to produce a prediction for the entire state. Finally, predictions for each of the municipalities were generated by forecasting each city's share of its county's population.

The population of Blount County has seen fluctuations over the decades. Table 2 shows Blount County's population from 1960 to 1990 on ten year intervals for each municipality, unincorporated area, and the county. The table also includes the University of Tennessee's Center for Business and Economic Research population predictions from 2000 to 2020 for each municipality, unincorporated area, and the county.

Table 2:

Population Data for Blount County

Municipality	1960	1970	1980	1990	7/1/98	2000	2005	2010	2015	2020
Maryville	10,348	13,808	17,480	19,208	23,042	24,727	26,761	28,766	30,713	32,570
Alcoa	6,395	7,739	6,870	6,400	7,237	7,410	7,822	8,201	8,540	8,833
Friendsville	606	575	694	792	950	1,019	1,103	1,186	1,266	1,343
Rockford	X	X	567	646	746	789	838	884	926	964
Townsend	283	267	351	329	426	457	495	532	568	602
Louisville	X	X	X	866	1,455	1,490	1,573	1,649	1,717	1,776
Unincorporated	39,893	41,355	51,808	58,045	66,521	68,140	71,225	73,917	76,172	77,930
Total	57,525	63,744	77,770	86,286	100,377	104,032	109,817	115,135	119,902	124,018

Source: Population Data for 1960, 1970, 1980, and 1990 came from the U.S. Census on Population and Housing. Population Data for 7/1/1998, 2000, 2005, 2010, 2015, and 2020 from The University of Tennessee Center for Business and Economic Research.

Many times it is easier to see trends in population growth through graphical representation. Figures 1 and 2 graphically display past population data as well as the University of Tennessee predicted populations. Figure 1 displays the trends for the smaller communities of Louisville, Friendsville, Rockford, and Townsend. Figure 2 displays the trends for Maryville, Alcoa, and Blount County as a whole. Two graphs were utilized as the populations of the four smaller communities are so minimal that they barely appeared on a graph with the county and larger municipalities. This was caused by the vertical scale of population as it was spread over such a large range it pushed the lines for the smaller municipalities down close to the horizontal axis.

The predictions issued by the University of Tennessee Center for Business and Economic Research where to serve as benchmarks for municipalities and counties. Each municipality and county could choose to utilize the predictions or establish their own based on specific knowledge of their communities. For example, a municipality or county may have had a industry recently locate to the area causing people to migrate into the area. An event such as the one described may have gone unnoticed in the calculation of future populations.

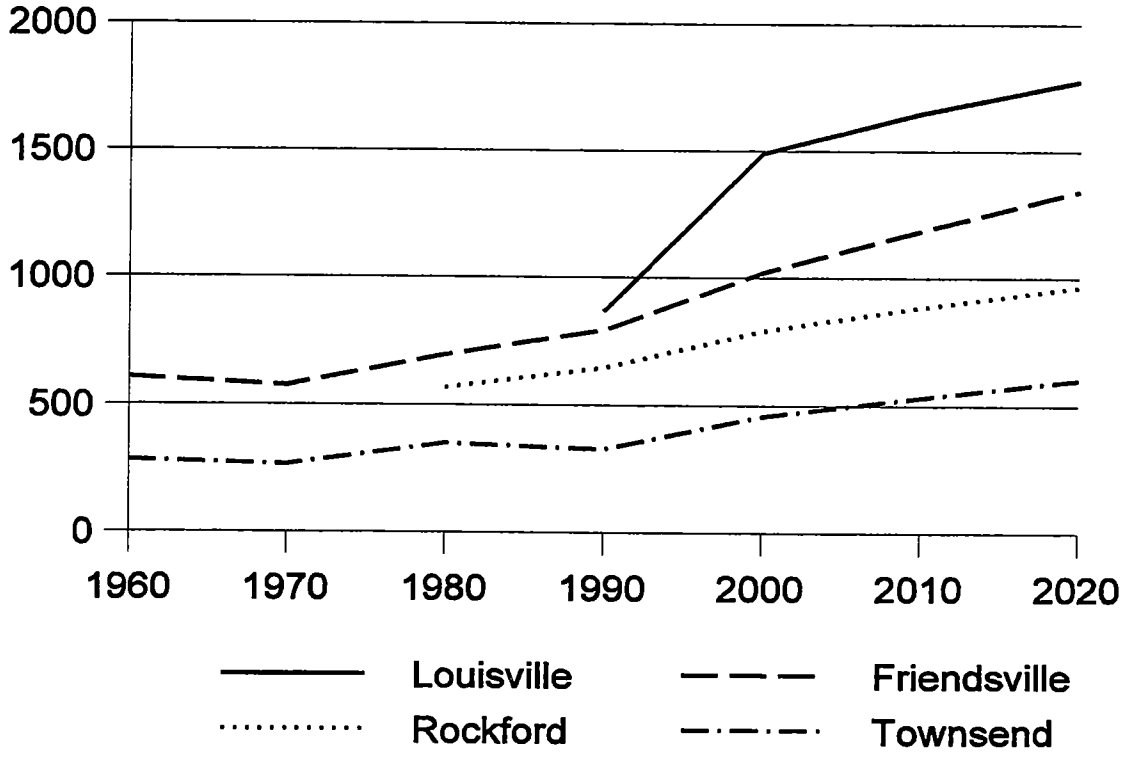

Figure 1: Small Town Population Growth by Decade; Data Taken From U.S. Census and UT Predictions

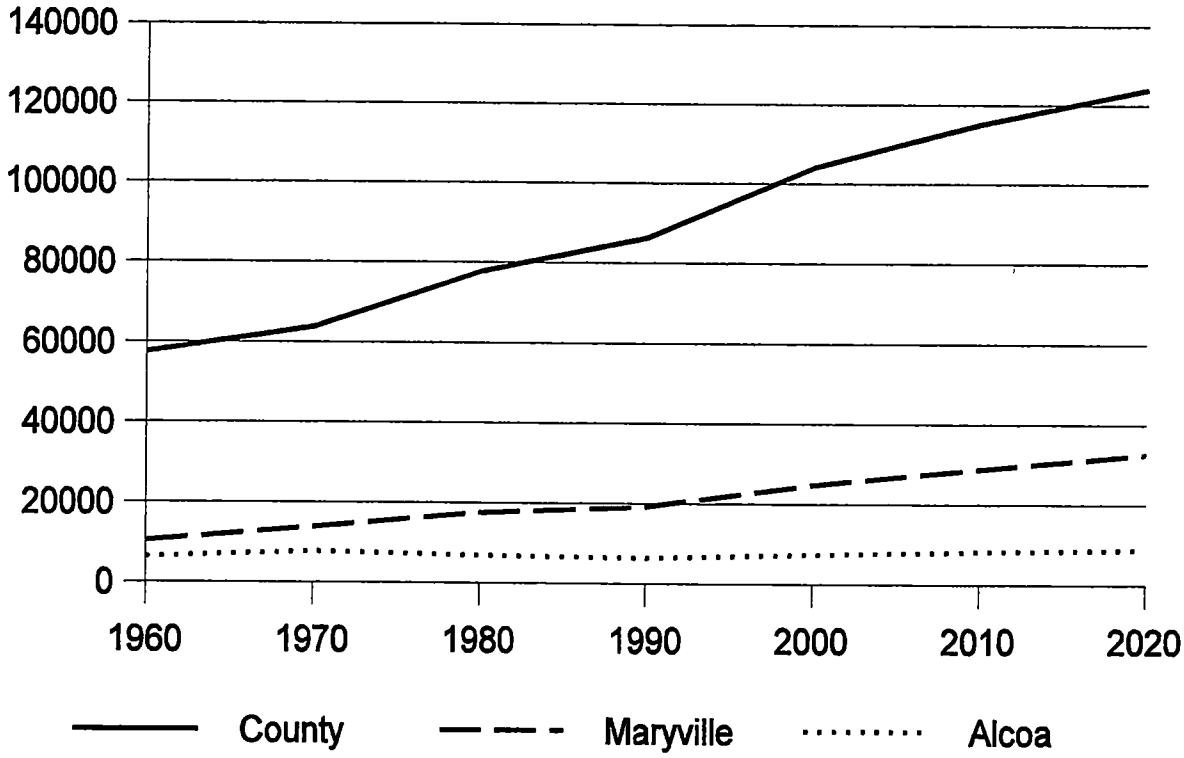

Figure 2: Population Growth for Larger Municipalities and Counties; Data Taken from the U.S. Census and UT Predictions

Another way of looking at the past population data and predicted populations for Blount County is to calculate the past growth rates and future predicted growth rates for the purpose of comparison. Table 3 shows the growth rates for Blount County and its municipalities over 10 year periods from 1960 to 2020. It also includes the growth rate from 1990 to 1998 and 1998 to 2000 in order to eliminate a false growth rate. It can be seen that Townsend and Alcoa experienced declines in their populations during several

Table 3:

Blount County Growth Rates							
Municipality	**1960 to 1970**	**1970 to 1980**	**1980 to 1990**	**1990 to 1998**	**1998 to 2000**	**2000 to 2010**	**2010 to 2020**
Maryville	33.4%	26.6%	9.9%	20.0%	7.3%	16.3%	13.2%
Alcoa	21.1%	-11.2%	-6.8%	13.1%	2.4%	10.7%	7.2%
Friendsville	5.1%	20.7%	14.4%	20.0%	7.3%	16.4%	13.20%
Rockford	X	X	13.9%	15.5%	5.8%	12.0%	9.00%
Townsend	-5.7%	31.5%	-6.3%	29.5%	7.3%	16.4%	13.20%
Louisville	X	X	X	68.0%	2.4%	10.7%	7.7%
County	10.8%	22.0%	11.0%	16.3%	3.6%	10.7%	7.7%

Source: Growth rates calculated using population data found in Table 2

periods. Alcoa experienced a fairly severe decline of 11.2% in the time period of 1970 to 1980.

Throughout the decades from 1960 Maryville experienced positive growth and at times a fairly high growth rate. Since 1990 all the municipalities have experienced positive growth with Townsend and Louisville being the greatest at 29.5% and 68.0% respectively. The University of Tennessee population predictions show positive growth for all municipalities into the year 2020. The predicted growth rates seem to be reasonable and possible out to the year 2020 if the current trends of immigration continue. The predicted growth rate for the county as a whole is even more reasonable as the entire county is predicted to grow 10.7% from 2000 to 2010 and 7.7% from 2010 to 2020. Some may argue that the growth rates tend to be rather inflated and not plausible. However, the recent trend in Blount County is extreme growth caused by immigration of many to the county because of retirement, employment, and quality of living. It can be seen that the growth rate from 1990 to 1998 is rather great for each municipality and the county and is based on sound data. Therefore the predicted growth rates tend to be reasonable baring any outside unforeseen event.

Blount County and its municipalities chose to accept

the predictions of the University of Tennessee Center for Business and Economic Research. The City of Alcoa voiced concern over the population predictions initially and it is unknown what was finally used as a more accurate future prediction. The predicted populations for Blount County and its municipalities all show steady growth. Blount County has become a community which,has grown steadily over the past several decades due to the recruitment of several large employment industries. Blount County has also become an attractive community for retirees due to low crime, low taxes, climate, and scenic location. The overall growth of the county is consistent with past growth for each decade, however, the location of that population within the county may vary.

Coordinating Committee Composition

Public Chapter 1101 includes provisions for the establishment of a Coordinating Committee to guide the development of each county's overall growth plan. Within the legislation there is a formula which enumerates whom should be on the committee and what interest they represent. The recipe calls for a minimum of 11 individuals to constitute the committee. The number of individuals increases by one individual for each municipality above one.

For instance Blount County's Coordinating Committee has 16 members because it has an additional 5 municipalities over the one included in the base recipe. Table 4 shows the makeup of Blount County's Coordinating Committee including who each individual is representing.

The recipe for the composition of the Coordinating Committee was included in the legislation in order to establish an entity to guide the process of developing urban growth boundaries, planned growth areas, and rural areas. It was the goal that the Coordinating Committee would balance the interests, which are pertinent to the development of a growth plan. It is important that the Coordinating Committee have a balanced representation in order to insure equality in the event that groups with similar interests ban together.

An experiment can show how the relative weight of the Coordinating Committee representation changes as several factors fluctuate. The number of representatives on the committee increases as the number of municipalities increases within a county. This begins to skew representation towards the interests of municipalities. There are two positions which could be occupied by either an individual with county or municipal interests. These two positions are the representative for the largest chamber of

Table 4:

Composition of the Coordinating Committee	
Individuals Mandated By PC 1101	**Names Representatives in Blount County**
County Executive	Bill Crisp
Mayor of each municipality	Maryville- Gary Hensley
	Alcoa- Bill Hammon
	Friendsville- Alan Williams
	Rockford- Clyde Husky
	Townsend- Ron Beckman
	Louisville- Phillip Mummert
One member of the largest municipally- owned utility	Mark Johnson, Alcoa City Manager
One member of the largest non- municipally-owned utility	Wanda Johnson, Bell South
One member of the county's soil conservation district	Billy Minser
One member of the largest education agency having the largest student enrollment	Alan Davis, Blount County Schools
One member of the largest chamber of commerce	Tommy Hunt, Commercial Interests
Two members appointed by the county executive	Jim Gregory, Home Builders
	John Keller, Farmer
Two members appointed by the mayor of the largest municipality	Carl McDonald, Practicing Lawyer
	Bob Gilbert, Maryville City Council
Number of County Representatives	5 individuals
Number of Municipality Representatives	9 individuals
Number of Neutral Representatives	2 individuals

Source: Information gathered through inquiry and meeting minutes from the Coordinating Committee.

commerce and the representative for the local education agency with the largest enrollment. Within the composition there are two neutral position in the largest non-municipally-owned utility and the soil conservation representative.

Table 5 illustrates the composition of the Coordinating Committee as the number of municipalities increases. Also include in Table 5 are three scenarios which show the percentage of representation as the number of individuals increases.

Scenario 1 displays the representation for each group with the school agency position and the chamber position held by individuals with interests leaning towards the county goals. The scenario shows that the county has a voting edge when there is one municipality. An equal representation occurs when there are two municipalities. When there are three or more municipalities a decisive voting edge goes to the municipalities.

Scenario 2 depicts the representation for each group when the school agency position and the chamber position held by individuals with interests leaning towards the goals of the municipalities. In this scenario the municipality has the advantage from the start.

Table 5:

Coordinating Committee Composition as Municipality Number Increases						
	Number of Municipalities					
Recipe	**1**	**2**	**3**	**4**	**5**	**6**
County Executive (a)	1	1	1	1	1	1
Representative from each municipality (b)	1	2	3	4	5	6
Representative of largest municipally-owned utility (c)	1	1	1	1	1	1
Representative of largest non-municipally-owned utility (d)	1	1	1	1	1	1
Representative of the soil conservation district (e)	1	1	1	1	1	1
Representative of local education agency with the largest enrollment (f)	1	1	1	1	1	1
Representative of the largest chamber of commerce (g)	1	1	1	1	1	1
Two members appointed by the county executive (h)	2	2	2	2	2	2
Two members appointed by the mayor of the largest municipality (i)	2	2	2	2	2	2
Scenario 1 County						
County Representation (a,f,g,h)	45 45%	41 67%	38 46%	35 71%	33.33%	31.25%
Municipal Representation (b,c,i)	36.36%	41 67%	46.15%	50 00%	53 33%	56 25%
Neutral Representation (d,e)	18 18%	16 67%	15 38%	14 29%	13.33%	12.50%
Scenario 2 Municipality						
County Representation (a,h)	27 27%	25 00%	23 08%	21 43%	20 00%	18.75%
Municipal Representation (b,c,f,g,i)	54 55%	58 33%	61.54%	64.29%	66.67%	68 75%
Neutral Representation (d,e)	18 18%	16 67%	15 38%	14 29%	13 33%	12 50%
Scenario 3 Split						
County Representation (a,f,h)	36 36%	33 33%	30 77%	28 57%	27 67%	25 00%
Municipal Representation (b,c,g,i)	45 45%	50 00%	53 85%	57 14%	60 00%	62 50%
Neutral Representation (d,e)	18 18%	16 67%	15 38%	14 29%	13 33%	12 50%

Scenario 3 depicts the representation for each group when the school agency position or the chamber position representation is split between a municipal individual or a county individual. As in scenario 2 the county interests are under represented for any number of municipalities.

The representation of the two rather neutral positions, soil conservation and non-municipally-owned utility, remains constant throughout all three scenarios. The vote of the two neutral representatives can skew representation to a greater extent. If the two neutral positions side with the interests of the county the representation split becomes greater for the county in any voting situation. If by chance the two neutral positions side with the interests of the municipalities the county's have no chance in any voting situation.

Scenario 1 is the case in Blount County. Blount County has six municipalities, which establishes a coordinating committee of 16 individuals. The skew of municipal representation is lessened because both the largest school agency and the chamber of commerce represent the goals and welfare of the county. It is also the case that the individual representing the non-municipally-owned utility tends to vote on the side of the county, which helps to boost the county vote to approximately 40 percent. It has

been the case that the two sides have voted, almost completely, down representation interest group boundaries.

With the creation of Public Chapter 1101 and the establishment of a Coordinating Committee the goal was to provide the structure for the development of sensible and cooperative growth plans. In many counties there has arisen a battle for land acquisition, which has pitted the municipalities against the county. Municipalities tend to have similar goals and achievement of those goals is easiest when agreements are made between themselves. As a unit their position is stronger against the goal of the county to limit the size of each municipality's urban growth boundary. This is the situation within Blount County. Many of the municipalities either had agreements about annexation or made them when prompted to by the legislation.

After the approval of the overall Blount County plan by the Coordinating Committee, it was brought to attention that sometime in January the representative from Townsend had not been reporting to the City of Townsend. Apparently the representative was not reporting to members of Townsend's government and were unsure if what was approved by the Coordinating Committee was what was proposed by Townsend. Members of Townsend's government reviewed the plan approved by the Coordinating Committee and by chance it was suitable.

A situation such as the one described above raises question on the reliability and ability of any member of the Coordinating Committee to make decisions and report the happening of the meetings to their constituents. It would be easy to assume that each representative is reporting back to their constituents and receiving feedback and suggestions to take back to the coordinating meetings. Individuals appointed and sitting on the Coordinating Committee have a important position in the shaping of the future of Blount County and a responsibility to properly represent the interests of their constituents.

Technical Aspects

In order to develop their urban growth boundaries each municipality created separate plans. Some plans were more developed than others and contained different degrees of information. The county developed some documents in order to ascertain by itself how much each municipality's urban growth boundary should be extended. As the process moved on, the airport developed a list of reasons why they should not be included in Alcoa's proposed urban growth boundary.

Each municipality and the county had varying resources to rely upon in order to develop their plans. Both Maryville and Alcoa had existing planning departments and an

array of resources from which to obtain information. The four smaller communities, Friendsville, Louisville, Rockford, and Townsend, all utilized the Local Planning Assistance Office, as they had contracts for services prior to the passage of Public Chapter 1101. Blount County had a planning department as well which was charged with keeping the municipalities in check and designating the planned growth areas for the county. Table 6 shows the staffing that the county and each municipality had at their disposal for meeting the mandates of Public Chapter 1101.

Table 6:

Blount County and Municipal Planning Resources		
Entity	**Planning Staff**	**Human Resources**
Maryville	Yes	2
Alcoa	Yes	1
Friendsville	Local Planning Office	1*
Louisville	Local Planning Office	1*
Rockford	Local Planning Office	1*
Townsend	Local Planning Office	1*
Blount County	Yes	2

*Partial Dedication of the office.

Source· Called Each Entity and Asked for Information

Review of Plans

Maryville[1]

Maryville created a team in order to develop their urban growth boundary plan. The team included the director of engineering and development, director of schools, director of finance and information, police chief, fire chief, public works manager, electric utility manager, water quality control manager, and a city planner. The team assembled brought together all the individuals which have access to the information necessary for the development of well-planned urban growth boundary.

In order to determine the location of where the urban growth boundaries should be drawn the team eliminated any preconceived notions before beginning. The team then developed three questions to guide them through the process of developing urban growth boundaries.

> "1. **Where had growth previously taken place and where is it occurring now?** The team looked at recent aerial photos, examined recent sewer and, or annexation requests and finally conducted a windshield survey of the entire area surrounding the corporate limits in order to view current development activities and ascertain the area's suitability for continued development.
>
> 2. **Where is growth likely to take place in the next 21 years?** The team considered factors such as sewer availability/feasibility, the effects of completion of the Pellissippi Parkway, the

[1]Information taken from Maryville's Urban Growth Boundary Report

construction of the southern loop, past growth trends, and UT's population projections.

3. **Would that growth reach urban densities?** For this question, the team examined the Maryville's density and determine whether development within the proposed boundaries had already or had the ***potential*** to reach that density."

The ***1990 Census of Population and Housing Block Statistics*** was used to find the population density of Maryville. The housing density for Maryville was calculated by taking the total area of the municipality and dividing by the total number of housing units. Both the total area of the municipality and the total number of housing units were adjusted from the 1990 Census data to 1999 totals using various records. The total land area used to calculate the housing density included streets, parks and drainage ways, industrial, commercial, and institutional areas. It was found that the gross residential density for Maryville was 0.97 houses per acre.

The urban growth boundary team identified eight regions around the current city boundaries where growth has occurred and is likely to continue. The land area of the eight regions proposed for inclusion in the urban growth boundary totaled 68.9 square miles. This was the plan which was presented to the coordinating committee. The plan included arguments in support of each of the areas and projections of infrastructure costs for each region.

One of the reasons used to support the areas chosen for growth were the need to provide for adequate area for developers and land owners to utilize land while setting aside all areas outside as rural. Blount County has been and is expected to continue growing quite rapidly and pressures for development would be strong. So, if a large urban growth boundary is adopted, all areas outside would be discouraged for development and all areas within would be encouraged through the supply of infrastructure. This would then provide for greater protection of rural areas.

A second reason used was the continuing extension of the Pellissippi Parkway and the proposed southern loop which would be placed outside the current city limits and act as a beltway. The team felt the proposed southern loop would spur both residential and commercial development at all interchanges, which would reach urban densities and need urban services. In addition, Maryville contends that it can afford these proposed areas with the stringent development standards needed to protect Blount County's tourism industry. According to Maryville's plan the current size of the municipality is 15.6 square miles. With an additional 68.9 square proposed as an urban growth boundary it would appear that Maryville is asking for a great deal more area than it could possibly need to reach 2020.

Alcoa

In 1959 the State of Tennessee, recognizing the need for municipalities to control the development outside of municipal boundaries for the purpose of providing for future annexations of quality developments, created planning regions for many municipalities throughout the state. It is this planning region, which the City of Alcoa has proposed as its urban growth boundary. The Alcoa planning region consists of approximately 14 square miles in the northern region of Blount County. The 14 square miles includes the City of Alcoa. Alcoa produced no public document for the purpose of review by citizens of Blount County. Upon several inquiries, information on Alcoa's plan was pieced together by the researcher. Alcoa states that the State of Tennessee saw fit for Alcoa to have planning control over the region so it seems logical that the entire region be considered for future urban growth. The stumbling block in using the proposed planning region as a urban growth boundary is the fact that the Knoxville Metropolitan Airport, Tyson McGee Airport, is located within the Alcoa planning region. The airport contends that they do not belong in any municipality's urban growth boundary for multiple reasons to be discussed in a later section. The attempt by Alcoa to annex the airport is not a new

suggestion as the city has a long running history of annexations attempts. It is unknown how far those attempts went. However, the present situation suggest that previous attempts were abandoned or denied. The disagreement between Alcoa and the Airport Authority has created a great deal of debate at the Coordinating Committee meetings.

Small Town Plans and the Local Planning Assistance Office

Because the smaller towns possessed no planning staff and held contracts with the Local Planning Assistance Office (LPO)all chose to utilize their services. Individuals of the LPO staff were assigned to the four communities. The LPO used a standard format for the urban growth boundary reports to provide for some uniformity between the reports.

The reports utilize land use inventories which were constructed from field surveys and Blount County tax records. They also included maps to identify regulatory flood plains, slopes in excess of fifteen percent, and sinkholes identified on United States Geological Survey maps. Information on the public utilities and their placement was also gathered. This information was combined to identified vacant improved land and unimproved land within the city boundaries for the purpose of determining the amount of in-fill development which could occur. In

addition, the reports utilize the population projections supplied by the University of Tennessee through the year 2020.

The reports utilize the information gathered concerning land use, utility placement, sinkhole location, flood plain locations, and steep slopes to create a chart which enumerates the composition of the towns. Within the charts is included the number of acres of each landuse type and those the number of acres of vacant unrestricted land and restricted land.

The reports conclude with a description of the urban growth boundaries identified by each municipality. Also included are staff recommendations and conclusions.

Friendsville[1]

In the case of Friendsville, the LPO found that there was 196.60 acres of land which was physically restricted and 781.26 acres of unrestricted vacant land. Of the unrestricted vacant land, 95 acres currently are improved with roadways and utilities.

Utilizing current population data and the University of Tennessee's population predictions it was forecasted that the population of Friendsville will increase by 393 persons. It was found that the 781.26 acres of unrestricted vacant

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[1] Information taken form the Friendsville's Urban Growth Boundary Plan written by the LPO

land could accommodate the estimated 2020 population increase.

Despite the findings of the LPO report, the City of Friendsville identified three areas to be included in the urban growth boundary, amounting to an undetermined number of acres. The three areas identified for Friendsville's urban growth boundary are described in the urban growth boundary proposed by the City of Friendsville are:

> "North and Northwest- The City of Friendsville has proposed that the peninsula to the north of the city be included in the urban growth boundary. This area is isolated from any other municipality by several physical and cultural features, including the Tennessee River and Gallagher Creek, and the Loudon County line. Water service is already provided to this area by the city. It is very unlikely that any other municipality would be better able to provide services to this area in the future.
>
> East- The city has proposed an urban growth boundary area to the east of the municipality. The proposed area extends from near the intersection of Miser Station Road and Quarry Road around Miser Station Road to Union Grove Road. It then moves in a southwesterly direction to Big Springs Road, and follows that road to the point where it intersects with the existing corporate limits.
>
> Southwest- To the southwest of the city, the area between the Loudon County line and the Academy Farms subdivision is proposed for inclusion in the urban growth boundary. This are is likely to be the site of high-density development over the next two decades."

The report concludes that the predicted growth could be

accommodated within the current boundaries and the decision by the city to not pursue the construction of sewer will keep growth within the levels predicted by the University of Tennessee. After the creation of the urban growth boundary, which was drawn upon consultations with members of the community, the Local Planning Office removed themselves from the process except in the need of revisions. The representative of Friendsville presented the plan to the coordinating committee and received feedback. The land area proposed for inclusion in the urban growth boundary is unknown as the LPO did not perform those calculations.

Rockford[1]

In the case of the City of Rockford, the LPO found that there was 788.83 acres of land which was physically restricted and 695.17 acres of unrestricted vacant land. Of the unrestricted vacant land most is suitable for low density development and could be utilized for high density with infrastructure upgrades.

Utilizing current population data and the University of Tennessee's population predictions it was forecasted that the population of Rockford will increase by 218 persons. It was found that the 695.17 acres of unrestricted vacant land could accommodate the estimated 2020 population increase.

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[1]Information taken from Rockford's Urban Growth Boundary Report written by the LPO

Despite the findings of the LPO report Rockford identified four areas for inclusion in its urban growth boundary amounting to an undetermined number of acres. Those areas are:

> "West- The area west of Norfolk Southern Railway, south of Caldwell Lane and east of Singleton Station Road. The area west of the current corporate limits to the Line of Demarcation previously established between Rockford and Alcoa, including the areas north and south of Russell Road. These areas are logical extensions of the City of Rockford, and are potential sites of redevelopment.
>
> South- There are two areas that are included. One area is south of the current corporate limits and the other area is southwest. Both areas are adjacent to the Old Knoxville Highway, south of the Little River, and east of Pistol Creek. These areas are potential sites of future commercial or high-density residential development and are on the Rockford Line of Demarcation. Currently, the Rockford Police Department patrols these areas for Blount County.
>
> East- The area north and south of Self Hollow Road from Ammons Road to the eastern corporate limits of the city is a logical extension of, because it is currently surrounded by the Rockford City Limits and is patrolled by the Rockford Police Department. This is a logical area for future residential development.
>
> North- The area to the west of the Old Knoxville Highway between the current corporate limits and the eastern boundary of the Little River, and the area to the east of the Old Knoxville Highway that is approximately three-hundred feet wide. This entire area is adjacent to the Blount County/Knox County Line. The eastern portion extends to the southwestern boundary of the Stock Creek Industrial Park and has potential for future commercial growth. The western area is a potential site for future industrial growth."

The report concludes that the predicted growth could be accommodated within the current boundaries. However, the impact along Highway 33 after the construction of the Pellissippi Parkway interchange is complete is yet to be felt. It is likely that traffic and development will increase in the area creating the need for area to expand.

Townsend[1]

In the case of the City of Townsend, the LPO report found that there was 123.80 acres of land which was physically restricted and 64.8 acres of unrestricted vacant land. Of the unrestricted vacant land most has access to roadways and water.

Utilizing current population data and the University of Tennessee's population predictions it was forecasted that the population of Townsend will increase by 176 persons. It was found that the 64.8 acres of unrestricted vacant land could accommodate the estimated 2020 population increase.

Despite the findings of the LPO report, the City of Townsend proposed an urban growth boundary described as follows within the report. The land area proposed is undetermined.

> "The City of Townsend is located in the center of the Tuckaleechee Cove, along the south side of the Little River. This cove feature is

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[1]Information taken from Townsend's Urban Growth Boundary Report written by the LPO

> characterized by a fairly small area of flat to rolling topography, surrounded by extremely steep and mountainous lands. The potential for urban development, and therefore logical growth boundary designation, is physically defined by the cove itself. The area north of the City, across the Little River is bounded by steep topography associated with several mountains. These include Mark Mountain, Alie Mountain, and Rocky Mountain. Between the river and these mountains the topography is more rolling and could accommodate higher density development. The City is not however, proposing to extend its growth boundary across the Little River at this time. To the south and east of the city lies the Great Smoky Mountains National Park. The park boundary and the area's steep topography limits urban expansion in these directions. To the southwest lies the Dry Valley area. The topography in portions of this area could also accommodate higher density development. However, because of the distances involved, the City is not currently proposing a growth boundary in this area. Finally, urban expansion to the west along the Highway 321 corridor is limited by steep topography located a short distance from the current corporate limits."

Much of the area proposed for an urban growth boundary includes lands which were previously annexed, but were removed after a 1996 law suit showed that proper procedure was not followed in their annexation. The report concludes that the predicted growth could be accommodated within the current boundaries and the decision by the city to not pursue the construction of sewer along with the current widening of Highway 321 will keep growth within the levels predicted by the University of Tennessee. In addition, development pressures from the tourism industry could significantly affect Townsend's future growth.

Louisville[1]

In the case of the City of Louisville, the LPO report found that there was 983.10 acres of land which was physically restricted and 4585.10 acres of unrestricted vacant land. Of the unrestricted vacant land most is currently unimproved with roadways and utilities. The rural nature of the community provides for limited roadways and there is no sewer service.

Utilizing current population data and the University of Tennessee's population predictions it was forecasted that the population of Louisville will increase by 321 persons. It was found that the 4585.10 acres of unrestricted vacant land could accommodate the estimated 2020 population increase.

Despite the findings of the LPO report, Louisville has proposed that it's urban growth boundary include existing holes within the current boundaries and the area between existing municipal boundaries to the east and south of the legal annexation agreement boundary with the City of Alcoa. The report concludes that the predicted growth could be accommodated within the current boundaries and the provision of water service by a private utility, which decides privately where to extend service and the lack of sewer will

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[1]Information taken from Louisville's Urban Growth Boundary Report written by the LPO

keep growth within the levels predicted by the University of Tennessee. The Town of Louisville has placed emphasis on the protection of the entire watershed through current zoning and development requirements. The LPO report did not determine the area of the proposed urban growth boundary.

Conclusions

The task of determining an urban growth boundary must take many technical aspects into consideration. Each municipality approached the task of developing an urban growth boundary plan with different ideas of what should be included. Both Maryville and Alcoa possessed planning staffs and departments which could be tapped for information while the four remaining municipalities had to utilize the services of the Local Planning Assistance Office.

Maryville assembled a fairly diverse group of individuals when formulating their report, however, a great deal of the information was either overlooked or was not deemed important enough to include within the published public report. The Maryville report primarily focused on population growth and current gross residential densities while leaving out information like the capacities of existing public services and remaining capacity. Alcoa on the other hand did not produce any form of a public document. Upon several inquiries, a map was given

delineating the proposed urban growth boundary. From the start, Alcoa proposed that its planning region be its urban growth boundary. It is not apparent that any sort of technical analysis was conducted.

The Local Planning Assistance Office worked with the four smaller communities of Friendsville, Townsend, Louisville, and Rockford. The technical information gathered by the planners was fairly thorough. For the most part the staff developed the reports based on sound information gathered through several sources and made recommendations which were substantiated by that information. Areas to be included in each municipalities urban growth boundary were selected upon consultation with each city, but the staff members attempted to keep the areas somewhat reasonable so as to be defendable when presented to the coordinating committee. Once the report was completed it was each municipality's responsibility to present the plans and work out conflicts with the other members of the coordinating committee and any changes would be made by the staff. This removal from the political process allowed the staff to remain unbiased.

Each of the reports supplied by the municipalities lacked detailed information on the environmental aspects and impacts of the proposed urban growth boundaries. Maryville

included no information showing that environmental aspects were considered. It can only be assumed that Alcoa did not perform any sort of environmental impact analysis either. The Local Planning Assistance Office included the best environmental impact sections. For all the smaller municipalities, land areas with severe slopes, sinkholes, or that were located within flood plains were classified as restricted lands. This was an attempt at locating those areas which should not be developed. No plan identified sensitive areas such as wetlands or habitats of endangered species in need of protection. Table 7 displays what aspects of a technical nature which were included in each urban growth boundary report.

Within Blount County, there was considerable difficulty in producing maps for the purpose of displaying urban growth boundaries. Neither the county or its municipalities had access to any form of a geographic information system. Many of the maps used were crude and without labels and had to be hand-colored to display the proposals. In addition, the many times that the map had to be redrawn due to changes in individual municipality boundaries took a great deal of time. The map created from the assemblage of the individual plans, which was approved by the committee had no labels and was hand-colored. A problem arose when it was realized that

Table 7:

Analysis of Municipal Urban Growth Boundary Plan Elements						
Elements Considered[1]	**Maryville**	**Alcoa**	**Friendsville**	**Louisville**	**Rockford**	**Townsend**
Environmental Constraints	/	O	/	/	/	/
Infrastructure Inventory	X	O	X	X	X	X
Existing Land Use Inventory	/	O	X	X	X	X
Agricultural Lands	O	O	X	X	X	X
Land Analysis Including Land Capability and Suitability	/	O	X	X	X	X
Least Constrained Land	O	O	X	X	X	X
Recreational and Wildlife Management Areas	O	O	X	X	X	X
Urban Growth Projections	X	O	X	X	X	X
Urbanized Land Analysis	/	O	X	X	X	X
Vacant Land Excluding Open Space	O	O	X	X	X	X
X- Contained Element /- Somewhat Contained Element O- Did Not Contain Element						

1

The elements utilized in this table came from an April 1999 Knoxville-Knox County Metropolitan Planning Commission report entitled *Land Capability Analysis Knoxville-Knox County-Farragut, Tennessee· Base Studies for Preparing a Growth Plan as Required by Tennessee Public Chapter 1101*

there needed to be seven copies of the approved plan for all the government entities needing to vote on the plan. It was decided that professional copying was too costly and that they should be hand drawn by the planning staffs. Maryville volunteered a staff person and Blount County donated the facilities to draw the seven maps.

The process of developing the urban growth boundaries should have had a public participation aspect in order to citizens to help in the process of determining the future of their cities. The public, while not always technically inclined, could have added a dimension to the process called self ownership through their participation. Jones observes in his book, *Neighborhood Planning: A Guide for Citizens and Planners,* that "Ideally the process of decision making should take into account the views of all those who have a legitimate interest in the matter at issue." Public participation could have been incorporated through work shops or the inclusion of community representatives. This could have made the passage of the plans an easier task and would have reduced the opinion of some citizens that Public Chapter 1101 was formed out of socialist ideas.

Public Chapter 1101 included no provisions to help smaller communities involved in the technical process of creating a 20 year growth plan. Municipalities which did

not have contracts with the Local Planning Assistance Offices had to either create one themselves or find funding to contract with someone else. No municipalities within Blount County had this problem. Grants for the small municipalities could have been a solution for allowing for quality plans without placing financial burden on smaller municipalities. Finally, there were no provisions or framework within the legislation for municipalities to produce plans and report with attention given to all pertinent aspects. The inclusion of a rough framework of what should be included might have produced plans with greater support and acceptance. It might appear that counties and municipalities with planning staffs and well organized departments might have an advantage over those without. However, within Blount County the Local Planning Assistance Office produced technically sound and unbiased urban growth boundary reports. Thus, proving that those entities with the greatest human resources does not necessarily equal the development of technically sound plans.

Public Participation

Public participation is one of the items mandated within Public Chapter 1101. After developing a urban growth

boundary proposal, each municipality and county must hold two public meetings in order to get public feedback from citizens. Advertising for public meetings must be at least 15 days prior to the date. The legislation also mandates that the plan approved by the coordinating committee must be shown at two public hearings for comment before being sent on to the different government entities for votes of approval or denial.

Each municipality met the requirements for holding public hearings. At a certain point there was doubt that Townsend had met this requirement, but it was determined that they had indeed held the required public meetings. The inclusion of the public hearings within the legislation did little for altering the proposed urban growth boundaries. The mandated public hearings took place after a great deal of time and work was invested in the proposed plans and the public hearings did little to change them, but provide a venue for citizens to view the products and make comments.

After the coordinating committee approved an overall Blount County in November of 1999 it was time for the two mandated meetings. The two hearings were scheduled for November 29, 1999 and December 6, 1999 in the Maryville Courthouse at 7pm. The first of the two meetings saw few individuals outside of the Coordinating Committee in

attendance. The chairman, Tommy Hunt, presented the approved plan to those in attendance and responded to several questions. Prior to the meeting it was decided that all comments would be written on pieces of paper and handed in on the way out the door. The entire public meeting lasted approximately 20 minutes. The second public meeting had a much larger public turnout. There were between 20 and 30 people in attendance. The chairman once again gave an overview of the plan and then open the floor for comments and questions. Upon the opening of the floor several gentlemen spoke out on the socialistic ideologies which were hidden behind Public Chapter 1101. Many individuals expressed displeasure with the legislation, but no comments challenged directly the Blount County approved plan before them. Mr. Hunt responded to the individuals that their concerns needed to be addressed to state legislatures who enacted the legislation. Once again attendants were requested to write comments on pieces of paper and drop them off on their way out. The public hearing last approximately hour and a half.

A better solution would have been to have public participation and involvement throughout the process of developing the municipal urban growth boundaries. It is also interesting to note that no state employed planners

were consulted on the feasibility and content of the growth management legislation adopted by the state legislature. The opinions of citizens and individuals located adjacent municipalities with the possibility of inclusion in an urban growth boundary could have helped in the process. Jones lists three benefits of public participation, which include:

> "1. The greater the participation of residents in the making of the plan, the more likely it is that the plan will accurately reflect their needs and concerns.
>
> 2. The greater the participation, the greater is the sense of ownership that people have about, which can translate into a greater determination on their part to see that the plan gets implemented.
>
> 3. The greater the participation, the harder it is for others, such as public officials, to ignore the plan."

Public Chapter 1101 affects all citizens of a county and their opinions and views should be heard throughout the process.

Public Chapter 1101 mandated that each municipality and the county hold two public hearings to display their proposed growth plans prior to a vote of the Coordinating Committee. After the approval of an overall Blount County plan the coordinating committee was mandated to hold two public hearings as well. Blount County meet the required number of public hearings. However, the goal of the mandated public hearings was to get public input, which was not realized in Blount County. It appeared that little to

nothing was taken from the public hearings. For the most part they appeared to be a formality to comply with the legislation. The public hearings were more of a display and explanation of the plan, versus a discussion of positive and negatives. The small number of individuals attending the meetings displays the lack of interest by the public. Possibly that felt as if their opinions would not be heeded. Many of the comments made in the meetings by the public were made out of ignorance of the legislation and the mandated requirements and objectives, which displays the lack of public involvement on the forefront of the process.

Another oversight in the legislation was that the public was not consulted in the creation of Public Chapter 1101. The public's involvement would have created more ownership of the legislation. More conflict could also have arisen from greater public involvement. Citizen ownership of a plan especially in the case of a mandated legislation, would typically allow the process to run smoother.

Finally, in regards to public participation a state wide or at minimum county wide programs should have been established in order to educate citizens of the state about the legislation. Many of the negative comments made in the public hearings were made out of ignorance of what the legislation mandated and required of the county and

municipalities. The most common confusion was that citizens thought the proposed urban growth areas would definitely be annexed. Citizens were not aware that urban growth boundaries were just areas designated for future high-density growth and expansion and would not necessarily be annexed. Some form of an incentive program could have gotten the counties to involve the public to a greater extent.

Individual Strategies

Public Chapter 1101 was created in order to get counties and municipalities into a forum in which communication could occur before conflict would arise around individual annexations and taxes, thus reducing the number of disputes over annexations throughout the state. This communication was to occur through the creation of the coordinating committee, where consensus was to be achieved in the adoption of a 20 year growth plan for the county. Contrary to the hopes of legislatures in many counties the municipalities saw urban growth boundaries as a tool to stake claim to areas which would eventually be annexed and provide needed revenue. This may have resulted from fears that the urban growth boundaries would be set in stone and uncertainty about the location of future development. The

competition which was felt and eventually seen was prevalent within Blount County. Each municipality possessed some sort of a strategy to obtain what area they believed should be included in an urban growth boundary.

In TACIR's March 1999 document it is suggested that the coordinating committee contact either the Local Planning Office, Community Technical Advisory Service (CTAS), or Municipal Technical Advisory Service (MTAS) to help with the development of a growth plan. Blount County heeded this suggestion and at the second meeting a representative of MTAS and the Center for Government Training (CGT) made presentations to the committee on Public Chapter 1101 and on how to work as a team in order to resolve problems and disagreements.

Blount County

In a document given to the coordinating committee, Blount County recognized early on the need for municipalities to grow. The document details the fact that it is not the responsibility of the county to designate urban growth boundaries. However, the county has an interest is seeing that the clause calling for the creation of "reasonable" urban growth boundaries was followed. The county performed some calculations in order to determine what would be reasonable growth areas. They took the

population growth expected by each municipality and divided those increases by 2.5 individuals per household, consistent with the county average according to the 1990 Census. This produced the number of new households predicted for each municipality. The county then allowed for each household to be associated with "one acre of urban land, inclusive of all uses such as commercial, industrial, roads, schools, residential, and other uses."(Blount County 1999). Through the calculations Blount County established that all the small towns should have urban growth boundaries of less than 1/4 square mile, Alcoa should need approximately 4.05 square miles, and Maryville should need approximately 5.29 square miles. Blount County identified a planned growth area of approximately 48 square miles around the two largest cities, where high and moderate densities were expected to occur. In addition, the county stated that the airport was a regional asset and should not be included in any municipality's urban growth boundary.

The structure of the State of Tennessee's tax system pits counties against municipalities. The state tax systems obtains a majority of its revenue through a sales tax. Out of the 8.25% sales tax the county or city gets a portion and the state receives a portion. When the county losses land area to municipal annexation its equals a lose in revenue.

This tax structure displays why the county wishes to keep municipalities and their urban growth boundaries to a reasonable size

Maryville

Maryville proposed a rather large area for its urban growth boundary in its plan. Maryville identified eight regions which totaled 68.9 square miles approximately, more than 10 times the area anticipated by Blount County. Reasons given to support the urban growth boundary proposal were that it was uncertain where development would occur and land owners and developers should have opportunity to develop their properties. It was added that the timely placement of public services would help to keep development at a reasonable pace. A second reason was the completion of the Pellissippi Parkway extension and the proposed southern loop, which would bring both greater population and commercial development typic of an urban area.

Alcoa

Alcoa proposed from the start that its planning region, including Tyson McGhee airport, be it's 20 year urban growth boundary. The total area of the planning region is approximately 15 square miles, with Alcoa currently occupying 9.7 square mile. The additional 5.3 square miles they are proposing is 1.25 square miles greater than

anticipated by Blount County. They support their proposal by claiming that the state saw it appropriate in 1959 to allow Alcoa planning authority over the region and this would be an extension of the control they already possess over the area. Alcoa's proposal to include the airport is supported by claims that Alcoa invests revenue in the maintenance of road ways and services to the airport and that expenditure is not recouped in taxes paid to Blount County.

Louisville

Louisville prides itself on being a very low density community with a rural feel and place emphasis on the beauty of their environment. Concern for the environment in which they live prompted their original proposal to include the entire watershed in which Louisville is located, which is not located in another municipality's legal boundary. Upon consult with the staff from the Local Planning Assistance Office the option of including the entire watershed was exposed and the proposal was reduced to internal unincorporated areas and a small area to the east from the current boundary to the legal annexation agreement boundary with Alcoa. The exact land area is not stated.

Friendsville

Friendsville proposed a rather large area in their urban growth boundary report. The area included a peninsula north of the city, which currently is serviced with water and isolated from any other municipality. Another area extended out to the northeast and the third area extended southwest. These areas were chosen based on anticipated development, demand, and projected ability of the city to provide public services.

Rockford

Rockford proposed urban growth boundaries on each side of the municipality. The areas to the west and south extended from existing municipal boundaries to legal annexation boundary agreements made with Alcoa. The proposed area to the north follows Route 33 North to the Knox County line and covers a small area on the east side of the road and extends out on the west side of the road to the bank of the Little River. The area to the east is almost completely surrounded by current municipal boundaries. The areas proposed for growth are supported by the existence of residences in most of the areas and the fact that Rockford police currently patrol several of the areas. In addition, the current construction of the Pellissippi Parkway extension will bring increased development pressures.

Townsend

The municipality of Townsend was greatly reduced in size due to the outcome of a 1996 lawsuit. Much of the area proposed by the municipality was at one time a part of the municipality. Townsend has also began to annex those areas which were once a part of the municipality. At the time the coordinating committee voted approximately 50 percent of the area proposed as their urban growth boundary had be annexed. Townsend's location in Tuckaleechee Cove, a relatively small area of flat and rolling hills between steep mountain ranges, greatly limits the urban growth boundary locations within the community. In addition, the location of the Great Smoky Mountain National Park to the south and east of the community also limits the future growth area.

Experiment

A simple experiment can be helpful to estimate the minimal amount of land area necessary to accommodate the proposed 2020 growth. The experiment begins by determining the land area in acres for each municipality. Second, the current population numbers were subtracted from the proposed 2020 population in order to produce the overall population expected over the next 21 years. The additional population expected for each municipality was then divided by 2.5 individuals per household in order to determine the number

of households predicted for each municipality. The number of 2.5 individuals per household was used as it was the average household size for Blount County in the 1990 Census. The next step was to calculated the current gross residential densities for each municipality. This was done by taking the number of housing units in each municipality and dividing by the total land area of each respective municipality. The current net residential density was then calculated. This was calculated by taking the total number of housing units and dividing by the land area devoted to housing landuses. The current gross residential densities were then multiplied by the number of additional households predicted for each municipality in order to determine the additional land area in acres necessary to accommodate and maintain the current gross residential density. The additional land area was than converted from acres to square miles. The final row in the experiment displays the amount of unrestricted vacant land in square miles located within each municipality's current boundaries. Data for Alcoa was unattainable as no raw data was accessible from a produced plan. It is unknown how much vacant land area is located within Maryville and the total amount of area devoted solely to housing.

The calculated data for the experiment is shown

graphically in Table 8. From the data can be concluded several items for Blount County municipalities. The data shows that Maryville needs an additional 6.14 square miles, Louisville needs an additional 2.42 square miles, Friendsville needs an additional 1.16 square miles, Rockford needs an additional 0.84 square miles, and Townsend needs an additional 0.33 square miles in order to accommodate the number of additional households predicted in the year 2020 while maintaining current gross residential densities. The area needed by each municipality can then be compared to the amount of vacant unrestricted land area currently within each municipality's boundaries. For both Maryville and Alcoa this comparison can not be done as the amount of vacant land within the current city boundaries is not known. For the smaller communities it can be seen that Louisville, Friendsville, and Rockford all possess enough vacant land area within their respective municipalities to accommodate the predicted 2020 growth. Townsend is the only municipality which would need more land area to accommodate the predicted 2020 growth. Ironically it is Townsend which is facing the greatest uncertainty when it comes to unpredictable events which could alter population growth predictions. The extreme pressure felt to develop into a larger tourism destination is great, which is apparent with

Table 8:

Area Needed to Accommodate Predicted 2020 Growth at Current Gross Residential Densities						
Municipality	**Maryville**	**Alcoa**	**Louisville**	**Friendsville**	**Rockford**	**Townsend**
Area (acres) [a]	9,972.10	6,208.00	8,531 20	1,528.39	2,008.07	389 40
Latest Population Data (7/1/98) [b]	23,042	7,237	1,455	950	746	426
2020 Predicted Population [c]	32,570	8,833	1,776	1,343	964	602
Additional Growth from Latest to 2020 [h]={[c]-[b]}	9,528	1,596	321	393	218	176
Additional households to be Accommodated [i]={[h]/2.5}	3,811.20	638.40	128.40	157.20	87.20	70.40
Current Gross Residential Density per Acre 1999 [j]	0.97	unknown	0.083	0.212	0.162	0.331
Current Net Residential Density per Acre 1999 [k]	unknown	unknown	0.51	1.52	1.59	1.49
Additional Land (acres) Necessary to Maintain Current Gross Residential Densities [l]={[j]*[i]}	3,929.07	unknown	1,546.99	741 51	538.27	212.69
Converted to Square Miles [m]={[l]/640}	6 14	unknown	2 42	1 16	0.84	0 33
Unrestricted Vacant Land Area Within Current City Limits (sq. mi.) [n]	unknown	unknown	7.16	1.22	1 09	0.10

Sources: Municipality areas were gathered from the produced reports and through conversation for Alcoa. The population data was taken from the University of Tennessee predictions. Current gross residential densities were taken from the municipal reports. Current net residential densities were calculated from the municipal reports. The unrestricted vacant land within each municipality was taken from each municipality's reports.

the widening of Highway 321 currently underway.

This experiment is only a starting point to analyze the size of the urban growth boundaries proposed by each municipality. Many other factors could be considered beyond population growth and household size. Many of the municipalities may have possibly inflated the urban growth boundaries in order to compensate for the lack of a zoning ordinance within the county. Municipalities may fear the lack of control over development in regions for which they may annex in the future. In addition, Rockford has a legitimate case for a larger urban growth boundary with the uncertainty of the impacts which may accompany the Pellissippi Parkway extension. A final, support which may be utilized to support a larger urban growth boundary is the existence of infrastructure, such as sewers outside of current city boundaries.

The Bargaining Process: Building Consensus

The mandates and objective of Public Chapter 1101 create a situation which entails a great deal of negotiations in order reach a consensus. The creators of the legislation recognized the need for a forum for negotiation and bargaining. That forum was the Coordinating Committee and was given a composition based on a formula for

representation of stakeholders.

The composition of the Coordinating Committee was aimed at providing equal and fair representation of all stakeholders. The formula for the Coordinating Committee requires a minimum of 11 individuals. In the case of Blount County the Coordinating Committee was made up of 16 individuals because of the six municipalities located in the county. The number of individuals representing municipalities out-numbered the individuals representing the county. From the start, the possibility for side taking was greatly heightened by the composition of the Coordinating Committee.

Negotiations within Blount County began at the second meeting held by the Coordinating Committee on December 14, 2000. At the meeting it was decided that there would be expenses incurred by the coordinating committee. The anticipated expenses included secretarial support, meeting facilities, and public notices. The Coordinating Committee decided that the expenses should be funded by the county and municipalities. Blount County was to pay 50%, Maryville 20%, Alcoa 20%, and Friendsville, Louisville, Rockford, and Townsend would contribute 2.5% each. Alcoa agreed to pay all expenses up front and then bill the county and other municipalities for their shares.

Also included in the second coordinating committee meeting was a seminar by Mr. Mike Tallent with the University of Tennessee Municipal Technical Advisory Service (MTAS) and Mr. Chris Hensley of the Center for Government Training (CGT). Mr. Tallent gave an overview of the Public Chapter 1101 including detailing the definitions of urban growth boundaries, planned growth areas, and rural areas. He emphasized that the difference between urban growth boundaries and planned growth areas was the high-density area where as planned growth areas were high to moderate densities. In addition, Mr. Tallent discussed the deadline dates and their implications and the need for public hearings throughout the different steps in the process. Mr. Henley followed Mr. Tallent at gave a presentation on working as a team. He reminded everyone that during the process there would be multiple obstacles to overcome, but that in order to get through the process, members of the coordinating committees would need to remain focused.

Tension within the Coordinating Committee began to increase as the municipalities began to present their plans for proposed urban growth boundaries. As was stated in the Technical Aspects section, many of the municipalities proposed rather large areas for their urban growth boundaries. The county representatives protested the size

of the individual municipalities' proposed urban growth boundaries almost immediately. The county saw the large urban growth boundaries as unreasonable under the requirements of Public Chapter 1101. The inclusion of Tyson McGhee airport in the Alcoa urban growth boundary also created a large source of debate. The county argued that the airport should not be included in any urban growth boundary. The airport was contacted by the county in order to bring them to the table to discuss their opinions on the subject. The airport sided with the county against inclusion in Alcoa's urban growth boundary. The airport and county cited that the airport was connected to Knox County as its creating entity and second, that the airport was a regional asset and should not be within one city's boundaries. Essentially the debate boiled down to taxation issues. The airport paid taxes to Blount County and Alcoa felt they deserved all or a cut of the taxes as it finances some of the services to the airport.

After much debate, Bill Crisp, Blount County Executive, asked that the smaller communities reduce their proposed urban growth areas and made arguments for their elimination. Upon reconsideration, Friendsville decided that they did not need any urban growth boundary. Rockford decided to keep their proposal as it felt there were sufficient reasons for

support. Townsend had only proposed as its urban growth boundary that area which it lost in the 1996 lawsuit. Louisville reduced is proposed urban growth boundary to include only those areas within the current city limits which were not incorporated and the area to the east of the municipality up to the legal line of demarcation with Alcoa. The reduction of two plans and the support of the other two won the support of the Blount County representatives.

It was Maryville's and Alcoa's proposed plans which concerned Blount County representatives. Maryville proposed 68.9 square miles and Alcoa 6.5 square miles. After several meetings Maryville reduced their proposal to approximately 30 square miles. Alcoa stood their ground and continue to propose their planning region as their urban growth boundary with the inclusion of the airport.

Blount County, still concerned with Maryville's proposal of approximately 30 square miles continued to negotiate. As of March 27, 2000 Maryville once again reduced their proposal significantly in a deal agreed to between the city and the county. According to the deal, Maryville would reduce their proposal of 30 square miles and, in return, the county would allow the city to carry out zoning beyond their current boundaries into the revised smaller urban growth boundary. The county would support

this reduced urban growth boundary and Maryville gained control over development patterns in the proposed urban growth boundary. The controversy between Blount County and Alcoa's over its proposed urban growth boundary appears to have dissipated and focus is now on the airport issue.

As of the most recent meeting held on March 27, 2000 there continued to be a stand still between Alcoa, the county, and the airport. It was reported that significant steps had been made in negotiations. However, no details were given as the meetings and their discussions are being kept secret and behind closed doors.

Observing the current status of negotiations between Alcoa , the county, and the airport several members of the coordinating committee expressed the urgency of meeting the July 1, 2000 deadline in order to receive bonus points towards receiving state funds. One member of the committee stated that Blount County had five proposals in the works which would require state monies. It was stressed that the bonus points would provide Blount County with greater opportunity at receiving the state grants.

Realizing that the airport controversy might not be resolved by the deadline, several members suggested that the Coordinating Committee vote and approve a county wide plan with the question of the airport left unresolved. The

unresolved issue of the airport would be sent off to the Administrative Law Judges to decide. The strategy behind this is to give the most complete approved plan so that the judges will only rule on the single issue. The fear of the Coordinating Committee is that no plan is agreed upon and the judges in Nashville will design a plan with which no one in Blount County is happy with.

The deadline of July 1, 2000 and the fear that an outside entity will decide the future of Blount County and its municipality has given a sense of urgency to the coordinating committee. The incentive of receiving bonus points in the calculation state grants recipients combined with the fear of not reaching consensus drives the coordinating committee to reaching consensus in Blount County.

The Final Product

The January 1, 2000 deadline for having a Coordinating Committee plan approved provided the necessary push to get the members to assemble the individual plans and vote. The plan assembled included the adjusted urban growth boundaries discussed in the previous section. The night of November 17, 1999 the coordinating committee voted on the assembled plan with 11 members approving the plan, 2 voting no, and 3

members were absent. Table 9 displays the voting split on November 17, 1999.

In Table 9 it can be seen that the county representatives were the only Coordinating Committee members to vote against the county wide plan. They voted against the plan as Maryville's urban growth boundary still remained too large and Alcoa still included McGhee Tyson Airport in its urban growth boundary. It is not known specifically how the Coordinating Committee choose to use majority rule over consensus. It has become apparent to the researcher that had consensus been utilized that the process would have taken more time than the mandated deadlines would have allowed for.

The Coordinating Committee approved plan was then ready for the two mandated public hearings. The two hearings were scheduled for November 29, 1999 and December 6, 1999 in the Maryville Courthouse at 7pm. The two meetings occurred as described in the public participation section earlier in this chapter. It was at the second meeting that representatives from the airport, including their legal counsel, asked to speak to the coordinating committee. The representatives made several comments regarding the current proposed plan and offered reasons why they should not be included within the urban growth boundary of Alcoa. In

Table 9:

November 17, 1999 Coordinating Committee Vote		
Member Representation	**Committee Member**	**Vote**
County Executive	Bill Crisp	No
Maryville	Gary Hensley	Yes
Alcoa	Bill Hammon	Yes
Friendsville	Alan Williams	Yes
Rockford	Clyde Husky	Yes
Townsend	Ron Beckman	Absent
Louisville	Phillip Mummert	Yes
Largest municipally-owned utility	Mark Johnson	Yes
Largest non-municipally-owned utility	Wanda Johnson	Absent
Soil conservation district	Billy Minser	Yes
Largest education agency (Blount County)	Alan Davis	Yes
Largest chamber of commerce	Tommy Hunt	Yes
County appointed representative	Jim Gregory	Absent
County appointed representative	John Keller	No
Largest municipality representative	Carl McDonald	Yes
Largest municipality representative	Bob Gilbert	Yes

Source: Voting information from Coordinating Committee meeting minutes of November 17, 1999.

addition, the airport authority had prepared a document for the members of the committee, which elaborated on the position of the airport. The airport authority representatives concluded by asking that the coordinating committee postpone voting on the plan before them in order to provide time for members to review the document.

This ended the open floor public hearing at which time the coordinating committee decided to take a vote on the plan so that it might be approved and passed on to the governmental entities of Blount County. The meeting was called to order and Mr. Hunt asked if their were any questions from the committee about the plan before them. Mr. McDonald, a representative appointed by Maryville, suggested a delay on a vote so that members could review the position of the airport authority. Mr. Hammon disagreed due to the fact that the process had been well publicized over the past year and there would be complications associated with scheduling another meeting due to the holiday season approaching. He concluded that the committee should move ahead. Mr. Johnson made a motion to adopt the plan as presented with the provision that the City of Alcoa continues to work with Blount County and the airport regarding their concerns with Mr. Gilbert seconding the motion. The plan was then put to a vote. Seven members

voted for the plan and five members voted against approval. Table 10 displays the voting split on December 6, 1999 for final approval of the Blount County Plan.

It can be seen in a comparison between the votes taken on November 17, 1999 and the December 6, 1999 that there was an increase in the number of representatives voting against the county-wide plan. This was caused by several individuals wishing to approve a plan which all agreed upon in order to have no parties upset and possibly receiving denial from the different governmental entities. Some members may have been swayed by the presentation given by the Airport Authority as well.

At the next meeting on March 27, 2000 Maryville announced that it had once again reduced its proposed urban growth boundary. Maryville presented the revised plan and answered questions. Mr. Hunt then reminded the committee that the revision of Maryville's growth plan would cause the process to begin again. Upon Maryville's completion of the two mandated public hearings the plan would be brought back in front of the committee for adoption and its addition to the existing plan. The meeting was adjourned with the next meeting being scheduled for May 8, 2000. At the current time Blount County has returned to the point at which a county wide plan is in a holding pattern. No progress on

Table 10:

December 6, 1999 Coordinating Committee Vote		
Member Representation	**Committee Member**	**Vote**
County Executive	Bill Crisp	No
Maryville	Gary Hensley	Yes
Alcoa	Bill Hammon	Yes
Friendsville	Alan Williams	No
Rockford	Clyde Husky	No
Townsend	Ron Beckman	Absent
Louisville	Phillip Mummert	Yes
Largest municipally-owned utility	Mark Johnson	Yes
Largest non-municipally-owned utility	Wanda Johnson	No
Soil Conservation District	Billy Minser	Absent
Largest education agency (Blount County)	Alan Davis	No
Largest chamber of commerce	Tommy Hunt	Yes
County appointed representative	Jim Gregory	Absent
County appointed representative	John Keller	Absent
Largest municipality representative	Carl McDonald	Yes
Largest municipality representative	Bob Gilbert	Yes

Source: Voting information from Coordinating Committee meeting minutes of December 6, 1999.

the plan will be known prior to May 8, 2000, which leaves this thesis without closure on the final plan adopted by Blount County. It can be predicted that the Blount County plan will be approved on or about July 1, 2000 with the exception of the airport and its inclusion in Alcoa's urban growth boundary. Odds are no closure will be made by the deadline and the plan will be sent to the administrative law judges to decide the fate of the airport.

Creation of the Joint Economic Development and Community Development Board

Section 15 of Public Chapter 1101 mandates the creation of a Joint Economic Development and Community Development Board. The purpose of the board is to foster communication and cooperation with respect to economic and community development aspects. Blount County has proposed that its current Economic Development Board serve as board mandated within the legislation. It is unclear if the current Economic Development Board is a suitable substitution. Upon request of the coordinating committee Bill Crisp sent correspondence to the Attorney General of the State in order to receive an opinion on the proposed substitution. As of the March 27, 2000 no response had been received from the State Attorney General's office.

Several members of the coordinating committee made

inquiries in to the operation of the economic development board and whether or not the meetings were open. Gary Farlow, Executive Vice President of the Economic Development Board, stated that all meetings were open and anyone wishing to be placed on the mailing list was welcome. Several members showed interest in being included in the mailing list. Many in the coordinating committee were unaware that Blount County had an Industrial Development Board. The lines of communication have begun to be formed.

Summary

This chapter was dedicated to detailing the implementation of Public Chapter 1101 in Blount County. It examined the composition of the Coordinating Committee, each municipality and it's proposed growth plan, the technical aspects of each growth plan, and the strategies used by each municipality and the county to determine and achieve a county wide growth plan. The chapter concluded by examining the public participation, the bargaining process, and the Coordinating Committee's final product. The chapter gave critical examination to all these aspects in order to determine which objectives were achieved and those which were not.

CHAPTER IV

Final Assessment and Recommendations

Review of Thesis

The purpose of this thesis was to examine the implementation of Tennessee's Growth Policy Act, Public Chapter 1101, in Blount County. The use of Blount County as a case study provided for a unique opportunity to assess some of the merits and deficiencies of the legislation in a "real-life" situation. The legislation mandated a deadline of January 1, 2000 to have a plan completed, which provided for a unique window of opportunity to observe the process first hand. Research and data were collected through the attendance of Coordinating Committee, public meetings, and conversations with the players involved in the process of developing an urban growth boundaries plan for Blount County.

Chapter 1 provided an overview of growth management, the relevance of the growth management, a brief description of Blount County, and the organization of the thesis. Chapter 2 provided a detailed description of Public Chapter 1101 including its history, objectives, and mandates. Chapter 3 provided an analysis of the planning process, the role of planners, strategies used by the county and

municipalities, conflicts among different stakeholders, and the final plan for Blount County and its six municipalities. This chapter, Chapter 4, assess to what extent Public Chapter 1101 met it's stated objectives in relation to its implementation in Blount County.

Overall Evaluation of Public Chapter 1101

Public Chapter 1101 included numerous objectives and mandates, that each county and its municipalities were charged to achieve. Recognizing the great differences between Tennessee's counties and municipalities, especially in the three geographically different regions of the state, much of the legislation was left vague in order to provide the necessary flexibility to accommodate differences among counties. Overall, Tennessee's Growth Management Legislation was successful in achieving its main objectives.

The enactment of Public Chapter 1101 was very proactive in trying to promote a livable environment, which preserves all the good qualities of the state, into the year 2020. There were some short comings and unintended outcomes, which became apparent during the implementation stage. Although not perfect, any attempt at creating legislation for the future affecting everyone within the state is bound to have some faults and unforeseen outcomes. Public Chapter 1101's

greatest accomplishment was in opening the lines of communication between all the different government entities within each county. The greatest oversight in the legislation was the limited involvement of the public throughout the process. Changes can be made to the resolution in order to correct its faults and develop a more solid piece of legislation in the future.

Review of Objectives and their Successes or Failures in Blount Count

More Sound Annexation Practices

Two objectives addressed the need for more sound annexation practices. Those objectives were first to **eliminate annexation or incorporation out of fear** and the second being to **establish incentives to annex or incorporate where appropriate.** Public Chapter 1101 does a good job at eliminating annexation and incorporation out of fear. The establishment of the urban growth boundaries determines where each municipality can annex in the future. This provides for a more predictability and less uncertainty in the annexation process.

Because the county growth plan is something to be agreed upon by the Coordinating Committee, there is the elimination of fear. Within Blount County the only portion

of the county growth plan which is currently not resolved is whether or not the airport should be included in Alcoa's urban growth boundary. All the other boundaries have been negotiated and the sense is that a plan will be passed with the exception of the debate over the airport. All governmental entities can be assured that there is little possibility that areas outside each municipalities urban growth boundary will be annexed.

Matching Development with the Provision of Public Services

One objective addressed the need to match the provision of public services along with development. In particular, that objective was to **establish an acceptable and consistent level of public services and community facilities and ensure timely provision of those services and facilities.** These goals are addressed through the requirement for a plan of services to accompany any annexation. When a municipality decides to annex an area it must develop a plan which schedules the provision of city services. Within the plan time frames for the provision of services must be designated and adhered to or the municipality can be held liable. Public Chapter 1101 requires that the provision of services must be made within a reasonable time frame. Updates must be given on the progress made on the provision of services on a yearly basis. These provisions protect citizens and

property owners from annexation without knowledge of when to expect the services provided by the municipality. The legislation also provides for a path of recourse for the citizens which to not receive the provision of services from a municipality as stated in a plan. It remains to be seen if the responsibility of a municipality to meet the ratified plan of services will be upheld if challenged in court.

Effective Growth Management

Public Chapter 1101 was also designed to address problems associated with growth and development. Three objectives within the legislation addressed the problems with growth: ***i)minimize urban sprawl; ii) the second being to maximize reuse and development;*** **iii)to encourage a pattern of compact and contiguous high density development to be guided into urban areas or planned growth areas.** Public Chapter 1101 is vague to the point of losing effectiveness at certain points. For instance the lack of a definition for what high, medium, and low density are allowed for the use of what are considered to be low densities in major cities throughout he United States to be classified as high density in many counties and municipalities. Because high density or urban density, was defined to be a fairly low number within Blount County, the

legislation will not achieve the curbing of urban sprawl it was attempting to achieve. Municipalities within Blount County developed their urban growth boundaries utilizing current densities and projecting size based on the continuance of those densities with future population. Continuance of the current housing development densities will do nothing to curtail urban sprawl.

Within the legislation there were no mandates to look at reuse and redevelopment when determining urban growth boundaries. In addition, there were no incentives or mandates to encourage a pattern of compact and contiguous high density development, which was to be guided into urban areas or planned growth areas. Both Alcoa and Maryville overlooked reuse and redevelopment when determining their urban growth boundaries. All municipalities utilized current housing densities when determining the size need for their urban growth boundaries, which does not require the need to increase the density of housing in future development. Table 8 on page 74 displays the excess land being requested over the needed amount even while maintaining current gross residential densities. In conclusion, Public Chapter 1101 allows for development to remain in a status quo state with no reward or guarantee of more compact growth. Although the legislation allows for

densities to remain status quo there are several items which could influence development. The requirement of a plan of services and the delay in the tax revenue due to the five year time period for which the county will continue to collect taxes should improve the likelihood of sound growth.

Provide a unified physical design for the development of the local community.

This objective is not achieved in the mandates of the legislation. The legislation provides for no connection between the comprehensive plans of each municipality and its urban growth boundary plan. Nothing with Public Chapter 1101 provides for any "unified physical design" to be carried out in future development. It is likely with that within Blount County that no "unified physical design" will be enacted as there are strong feelings against government mandated actions, which tend to potentially limit the right of property ownership.

Promote the adequate provision of employment opportunities and the economic health of the region

Included within Public Chapter 1101 were provisions for the promotion of employment opportunities and economic health of each county. The establishment of a Community and Economic Development Board was the legislation's attempt at creating an entity which would accomplish this objective. Within Blount County the question has been whether or not

the current Blount County Industrial Board can serve as the legislation's mandated Community and Economic Development Board. Bill Crisp, Blount County's Executive, has sent correspondence to the State Attorney in regards to this question and has yet to receive a reply. The potential that such an entity could have across the state is enormous. Blount County's Industrial Board has shown how successful quality employment recreating can be if various governmental entities work together for the common good. Several of the smaller municipalities were unaware of the existence of the Blount County Industrial Board.

Conserve features of significance statewide or regional architectural, cultural, historical, or archeological interest

This objective was great to include as Tennessee has a great heritage which needs to be preserved. However, it is likely few counties addressed the objective with the concern intend by the legislation. In Blount County it is apparent that little to no thought was given to this objective. None of the reports presented by the municipalities included references in regards to any regional architectural, cultural, historical, or archeological features of interest. This objective might have received more attention and importance in the process if some sort of incentive was provided to include those aspects within each growth plan.

Environmental Concerns

Two objectives addressed the environmental concerns associated with the creation of sound urban growth plans. One of the objectives to address environment was to **manage natural resources and take into account impacts on agricultural lands, forests, recreational areas and wildlife management areas** and the other being to **protect life and property from the effects of natural hazards, such as flooding, winds, and wildfires.** Only the small communities addressed, cursorily, the objective of looking at agricultural lands, forests, recreational areas, and wildlife management areas. The plans included a paragraph within each stating whether or not those areas were located within the municipality. Little was said of the impact which would be incurred upon development of the area.

The inclusion of objectives to mitigate against the forces of nature in order to reduce harm to both people and property was one of great foresight. The great costs associated with death and property damage caused by natural phenomenon has become astronomical as people and development has spread to areas where the risk is greatly heightened. The inclusion of this objective is a step in the direction of improving the environment of Tennessee, which has been neglected like so many other states. This objective saw

slight success in Blount County with the reports prepared by the Local Planning Assistance Office for the four smaller communities of Friendsville, Rockford, Townsend, and Louisville. Included with each of their reports were references to flood plains, steep slopes, and sink holes. The plans eliminated the areas included within flood plains steep slopes, and sinkholes from calculations of unrestricted vacant land. Maryville made no reference within their report regarding this objective and it is unknown if Alcoa has look at the aspects included within the objective. This objective might have had more success if it was mandated to include provisions for people and property protect within the reports.

Take into consideration such other matters that may be logically related to or form an integral part of a plan for the coordinated, efficient and orderly development of the local community

Through the establishment of the Coordinating Committee Public Chapter 1101 brought together many people throughout the community for the common purpose of planning for the future of the county. Through the committee the lines of communication were opened and relationships were formed which could lead to better development practices. The establishment of the urban growth boundaries and the need for a plan of services for each annexation may provide for more emphasis on growing were it is more logical. Within

the process mandated by Public Chapter 1101, municipalities were able to identify common problems and concentrate on what their competitive advantage is over the county and how to attract people into the municipalities.

Blount County has a unique situation with the Knoxville Metropolitan Airport, McGhee Tyson, being located within Blount County. The city of Alcoa wishes to include it within its urban growth boundary, which has created great debate over wether or not it should be included. The airport feels like it should not be included in the urban growth boundary of Alcoa as it is a regional asset and should not be associated with one municipality. The legislation provided no direction for this situation as it is unique to Blount County and negotiations between the county, Alcoa, and the airport are continuing as the March 27, 2000 meeting.

Stabilize each county's education funding base and establish an incentive for each county legislative body to be more interested in education matters

The achievement of this objective was very limited. The provision within the legislation for the county to retain tax revenues from any area annexed into a municipality for five years before turning them over to the municipality helps to meet this objective. However, the objective was not achieved overall. Nothing specifically

has focused the attention of Blount County on education matters.

Provide for a variety of housing choices and assure affordable housing for future population growth

The inclusion of this objective was relatively pointless as there was no mandate for it to be carried out and in the case of Blount County it appears to have been totally ignored. A vast majority of Blount County and it's municipalities are comprised of single family homes. Very little high density style housing is located within the county. The desire to perpetuate current housing densities in the municipalities displays the unwillingness to create denser more affordable housing. A mandate to provide a certain percentage of affordable housing could have been included if legislators desired to see this objective achieved.

Final Conclusions and Key Lessons Learned

Although Public Chapter 1101 was a step towards growth management, there were several short comings in the legislation. A major downfall of the legislation is that there is no provision for review by any committee or governmental body of an approved county wide growth plans. If a county approves a growth plan, avoiding the Administrative Law Judges, there is nobody which must verify

the merits of each plan. Finally there is no inclusion for the necessity of parks and public recreation areas within the proposed urban growth boundaries.

Along with the successes and short coming of the legislation there were several unintended outcomes. Within Blount County the establishment of urban growth boundaries by the municipalities started as a land grab to get as much as possible. Another possible unintended outcome could be that the areas included in urban growth boundaries could become no man's land as a municipality does not have to annex the areas and the county may choose to prioritize services to areas outside the urban growth boundaries. This situation could leave individuals living within a urban growth boundary without county services or municipal services if the both decide not to expend the expense to service them.

Also of importance is the lack of information flow to and from the public. Greater public involvement would have helped to avoid the widespread misconceptions. The mandated public hearings did nothing to effect the process and alter Blount County's plan. Public participation was just one of the hurdles to cross in order to complete the task of creating a county wide growth plan.

Another draw back of the legislation was that there

were no incentives or help from the state to provide for technical assistance, consideration of environmental aspects, promotion of more public participation, or analysis of items and areas of historical importance. Blount County did very little in the areas listed above when creating their county wide growth plan. Know that the plans were to be reviewed for quality and content may have prompted more insight into those areas, which tended to get lost in the political shuffle and negotiations.

Tennessee made an honest attempt at promoting sound growth when it joined an elite group of states by enacting Public Chapter 1101. Many of the objectives were achieved in whole or partial through Public Chapter 1101. The potential of the legislation still remains to be seen in the courts if any aspects are challenged in the future. However, if the courts uphold the merits of the legislation Public Chapter 1101 could drastically shape the future of Tennessee in a positive way. Public Chapter 1101's greatest success is the elimination of the controversy over annexations throughout the state.

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Appendices

Appendix A

A Copy of Public Chapter 1101

PUBLIC CHAPTER NO. 1101

SENATE BILL NO. 3278

By Rochelle

Substituted for: House Bill No. 3295

By Kisber, Walley, Rinks, McDaniel, Curtiss

AN ACT To amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 13; Title 49; Title 67 and Title 68, relative to growth.

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

SECTION 1. As used in this act, unless the context otherwise requires:

(1) "Committee" means the local government planning advisory committee established by §4-3-727.

(2) "Council" means the joint economic and community development council established by Section 15 of this act.

(3) "Growth Plan" means the plan each county must file with the committee by July 1, 2001, as required by the provisions of Section 8.

(4) "Planned growth area" means an area established in conformance with the provisions of Section 7(b) and approved in accordance with the requirements of Section 5.

(5) "Rural area" means an area established in conformance with the provisions of Section 7(c) and approved in accordance with the requirements of Section 5.

(6) "Urban Growth Boundary" means a line encompassing territory established in conformance with the provisions of Section 7(a) and approved in accordance with the requirements of Section 5.

SECTION 2. Tennessee Code Annotated, Title 6, is amended by adding Sections 3 through 16 as a new Chapter 58.

SECTION 3. With this act, the General Assembly intends

to establish a comprehensive growth policy for this state that:

(1) Eliminates annexation or incorporation out of fear;

(2) Establishes incentives to annex or incorporate where appropriate;

(3) More closely matches the timing of development and the provision of public services;

(4) Stabilizes each county's education funding base and establishes an incentive for each county legislative body to be more interested in education matters; and

(5) Minimizes urban sprawl.

SECTION 4.

(a) The provisions of this chapter shall not apply to any county having a metropolitan form of government. Provided, however, each such county shall receive full benefit of all incentives available pursuant to Section 10, and each such county shall escape the sanctions imposed by Section 11. Provided, further, any municipality that lies within a county having a metropolitan form of government and another county must establish an urban growth boundary in conjunction with the county containing the territory that is not within the county having a metropolitan form of government.

(b) Notwithstanding the provisions of this act to the contrary, IF a metropolitan government charter commission is duly created within any county after the effective date of this act but prior to July 1, 2001, AND IF the metropolitan charter proposed by such commission is either rejected or otherwise not ratified by the voters prior to July 1, 2001, THEN the sanctions established by Section 11 shall not be imposed in such county prior to July 1, 2002.

SECTION 5.

(a)(1) Except as otherwise provided pursuant to subdivision (a)(9), effective September 1, 1998, there is created within each county a coordinating committee which shall be composed of the following members:

(A) The county executive or the county executive's designee, to be confirmed by the county legislative body; provided, however, a member of the county legislative body may serve as such designee subject to such confirmation;

(B) The mayor of each municipality or the mayor's designee, to be confirmed by the municipal governing body;

(C) One (1) member appointed by the governing board of the municipally owned utility system serving the largest number of customers in the county;

(D) One (1) member appointed by the governing board of the utility system, not municipally owned, serving the largest number of customers in the county;

(E) One (1) member appointed by the board of directors of the county's soil conservation district, who shall represent agricultural interests;

(F) One (1) member appointed by the board of the local education agency having the largest student enrollment in the county;

(G) One (1) member appointed by the largest chamber of commerce, to be appointed after consultation with any other chamber of commerce within the county; and

(H) Two (2) members appointed by the county executive and two (2) members appointed by the mayor of the largest municipality, to assure broad representation of environmental, construction and homeowner interests.

(2) It shall be the duty of the coordinating committee to develop a recommended growth plan not later than January 1, 2000, and to submit such plan for ratification by the county legislative body and the governing body of each municipality. The recommended growth plan shall identify urban growth boundaries for each municipality within the county and shall identify planned growth areas and rural areas within the county, all in conformance with the provisions of Section 7. In developing a recommended growth plan, the coordinating committee shall give due consideration to such urban growth boundaries as may be timely proposed and submitted to the coordinating committee by each municipal governing body. The coordinating committee shall also give

due consideration to such planned growth areas and rural areas as may be timely-proposed and submitted to the coordinating committee by the county legislative body. The coordinating committee is encouraged to utilize planning resources that are available within the county, including municipal or county planning commissions. The coordinating committee is further encouraged to utilize the services of the local planning office of the Department of Economic and Community Development, the county technical assistance service, and the municipal technical advisory service.

(3) Prior to finalization of the recommended growth plan, the coordinating committee shall conduct at least two (2) public hearings. The county shall give at least fifteen (15) days advance notice of the time, place and purpose of each public hearing by notice published in a newspaper of general circulation throughout the county.

(4) Not later than January 1, 2000, the coordinating committee shall submit its recommended growth plan for ratification by the county legislative body and by the governing body of each municipality within the county. Provided, however, and notwithstanding any provision of this act to the contrary, if a municipality is completely contiguous to and surrounded by one or more municipalities, then the corporate limits of the surrounded municipality shall constitute the municipality's urban growth boundaries and such municipality shall not be eligible to ratify or reject the recommended growth plan. Not later than one hundred twenty (120) days after receiving the recommended growth plan, the county legislative body or municipal governing body, as the case may be, shall act to either ratify or reject the recommended growth plan of the coordinating committee. Failure by such county legislative body or any such municipal governing body to act within such one hundred twenty (120) day period shall be deemed to constitute ratification by such county or municipality of the recommended growth plan.

(5) If the county or any municipality therein, rejects the recommendation of the coordinating committee, then the county or municipality shall submit its objections, and the reasons therefor, for resolution in accordance with subsection (b). In resolving disputes arising from disagreements over which urban growth boundary

should contain specific territory, due consideration shall be given if one (1) of the municipalities is better able to efficiently and effectively provide urban services within the disputed territory. Due consideration shall also be given if one (1) of the municipalities detrimentally relied upon priority status conferred under prior annexation law and, thereby, justifiably incurred significant expense in preparation for annexation of the disputed territory.

(6)(A) A municipality may make binding agreements with other municipalities and with counties to refrain from exercising any power or privilege granted to the municipality by this title, to any degree contained in the agreement including, but not limited to, the authority to annex.

(B) A county may make binding agreements with municipalities to refrain from exercising any power or privilege granted to the county by Title 5, to any degree contained in the agreement including, but not limited to, the authority to receive annexation date revenue.

(C) Any agreement made pursuant to this subdivision need not have a set term, but after the agreement has been in effect for five (5) years, any party upon giving ninety (90) days written notice to the other parties is entitled to a renegotiation or termination of the agreement.

(7)(A) Notwithstanding any provisions of this chapter or any other provision of law to the contrary, any annexation reserve agreement or any agreement of any kind either between municipalities or between municipalities and counties setting out areas reserved for future municipal annexation and in effect on the effective date of this act are ratified and remain binding and in full force and effect. Any such agreement may be amended from time to time by mutual agreement of the parties. Any such agreement or amendment may not be construed to abrogate the application of any provision of this chapter to the area annexed pursuant to the agreement or amendment.

(B) In any county with a charter form of government, the annexation reserve agreements in effect on January 1, 1998, are deemed to satisfy the requirement of a growth plan. The county shall file a plan based on such agreements with the committee.

(8)(A) No provision of this chapter shall prohibit written contracts between municipalities and property owners relative to the exercise of a municipality's rights of annexation or operate to invalidate an annexation ordinance done pursuant to a written contract between a municipality and a property owner in existence on the effective date of this act.

(9)(A) Instead of the coordinating committee created under subsection (a)(1), in any county in which the largest municipality comprises at least sixty percent (60%) of the population of the entire county and on the effective date of this act there is no other municipality in the county with a population in excess of one thousand (1,000), according to the 1990 federal census or any subsequent federal census, the coordinating committee in such county shall be the municipal planning commission of the largest municipality and the county planning commission, if the county has a planning commission. The mayor of the largest municipality and the county executive of such county may jointly appoint as many additional members to the coordinating committee as they may determine. Notwithstanding the provisions of subsection (a) with respect to the adoption or ratification of the recommended growth plan, in any county to which subdivision (9)(A) applies, upon adoption of a recommended growth plan, the coordinating committee shall submit its recommendation to the county legislative body for ratification. The county legislative body may only disapprove the recommendation of the coordinating committee if it makes an affirmative finding, by a two-thirds (2/3) vote, that the committee acted in an arbitrary, or capricious manner or abused its official discretion in applying the law. If the county legislative body disapproves the recommendation of the coordinating committee, then the dispute resolution process of this section shall apply.

(B) Instead of the coordinating committee created pursuant to subsection (a)(1), if the county legislative body and the governing body of each municipality located therein all agree that another entity shall perform the duties assigned by this act to the coordinating committee, then such other entity shall perform such duties of the coordinating committee, and such coordinating committee shall not be created or continued, as the case may be.

(b)(1) If the county or any municipality rejects the

recommended growth plan, then the coordinating committee shall reconsider its action. After such reconsideration, the coordinating committee may recommend a revised growth plan and may submit such revised growth plan for ratification by the county legislative body and the governing body of each municipality. If a recommended growth plan or revised growth plan is rejected, then the county or any municipality may declare the existence of an impasse and may request the Secretary of State to provide an alternative method for resolution of disputes preventing ratification of a growth plan.

(2) Upon receiving such request, the Secretary of State shall promptly appoint a dispute resolution panel. The panel shall consist of three (3) members, each of whom shall be appointed from the ranks of the administrative law judges employed within the administrative procedures division and each of whom shall possess formal training in the methods and techniques of dispute resolution and mediation. Provided, however, if the county and all municipalities agree, the Secretary of State may appoint a single administrative law judge rather than a panel of three (3) members. No member of such panel, nor the immediate family of any such member or such member's spouse, may be a resident, property owner, official or employee of the county or of any municipality therein.

(3) The panel shall attempt to mediate the unresolved disputes. If, after reasonable efforts, mediation does not resolve such disputes, then the panel shall propose a non-binding resolution thereof. The county legislative body and the municipalities shall be given a reasonable period in which to consider such proposal. If the county legislative body and the municipal governing bodies do not accept and approve such resolution, then they may submit final recommendations to the panel. For the sole purpose of resolving the impasse, the panel shall adopt a growth plan. In mediating the dispute or in making a proposal, the panel may consult with the University of Tennessee or others with expertise in urban planning, growth, and development. The growth plan adopted by the panel shall conform with the provisions of Section 7.

(4) The Secretary of State shall certify the reasonable and necessary costs incurred by the dispute resolution panel, including, but not necessarily limited to, salaries,

supplies, travel expenses and staff support for the panel members. The county and the municipalities shall reimburse the Secretary of State for such costs, to be allocated on a pro rata basis calculated on the number of persons residing within each of the municipalities and the number of persons residing within the unincorporated areas of the county; provided, however, if the dispute resolution panel determines that the dispute resolution process was necessitated or unduly prolonged by bad faith or frivolous actions on the part of the county and/or any one (1) or more of the municipalities, then the Secretary of State may, upon the recommendation of the panel, reallocate liability for such reimbursement in a manner clearly punitive to such bad faith or frivolous actions.

(5) If a county or municipality fails to reimburse its allocated or reallocated share of panel costs to the Secretary of State after sixty (60) days notice of such costs, the Department of Finance and Administration shall deduct such costs from such county's or a municipality's allocation of state shared taxes.

(d)(1) No later than July 1, 2001, the growth plan recommended or revised by the coordinating committee and ratified by the county and each municipality therein or alternatively adopted by a dispute resolution panel shall be submitted to and approved by the local government planning advisory committee. IF urban growth boundaries, planned growth areas and rural areas were recommended or revised by a coordinating committee and ratified by the county and each municipality therein, THEN the local government planning advisory committee shall grant its approval, and the growth plan shall become immediately effective. In addition, in any county with a charter form of government, the annexation reserve agreements in effect on January 1, 1998, are deemed to satisfy the requirement of a growth plan, and the local government planning advisory committee shall approve such plan. In all other cases, IF the local government planning advisory committee determines that such urban growth boundaries, planned growth areas and rural areas conform with the provisions of Section 7, THEN the local government planning advisory committee shall grant its approval and the growth plan shall immediately become effective; HOWEVER, IF the local government planning advisory committee

determines that such urban growth boundaries, planned growth areas and/or rural areas in any way do not conform with the provisions of Section 7, THEN the committee shall adopt and grant its approval of alternative urban growth boundaries, planned growth areas and/or rural areas for the sole purpose of making the adjustments necessary to achieve conformance with the provisions of Section 7. Such alternative urban growth boundaries, planned growth areas and/or rural areas shall supersede and replace all conflicting urban growth boundaries, planned growth areas and/or rural areas and shall immediately become effective as the growth plan.

(2) After the local government planning advisory committee has approved a growth plan, the committee shall forward a copy to the county executive who shall file the plan in the register's office. The register may not impose a fee on the county executive for this service.

(e)(1) After the local government planning advisory committee has approved a growth plan, the plan shall stay in effect for not less than three (3) years absent a showing of extraordinary circumstances. After the expiration of the three (3) year period, a municipality or county may propose an amendment to the growth plan by filing notice with the county executive and with the mayor of each municipality in the county. Upon receipt of such notice, such officials shall take appropriate action to promptly reconvene or re-establish the coordinating committee. The burden of proving the reasonableness of the proposed amendment shall be upon the party proposing the change. The procedures for amending the growth plan shall be the same as the procedures in this section for establishing the original plan.

(2) In any county with a charter form of government with annexation reserve agreements in effect on January 1, 1998, any municipality or the county may immediately file a proposed amendment after the effective date of this act in accordance with this subsection (e).

SECTION 6. (a) The affected county, an affected municipality, a resident of such county or an owner of real property located within such county is entitled to judicial review under this section, which shall be the exclusive method for judicial review of the growth plan and its urban growth boundaries, planned growth areas

and rural areas. Proceedings for review shall be instituted by filing a petition for review in the chancery court of the affected county. Such petition shall be filed during the sixty (60) day period after final approval of such urban growth boundaries, planned growth areas and rural areas by the local government planning advisory committee. In accordance with the provisions of the Tennessee rules of civil procedure pertaining to service of process, copies of the petition shall be served upon the local government planning advisory committee, the county and each municipality located or proposing to be located within the county.

(b) Judicial review shall be de novo and shall be conducted by the chancery court without a jury. The petitioner shall have the burden of proving, by a preponderance of the evidence that the urban growth boundaries, planned growth areas and/or rural areas are invalid because the adoption or approval thereof was granted in an arbitrary, capricious, illegal or other manner characterized by abuse of official discretion. The filing of the petition for review does not itself stay effectiveness of the urban growth boundaries, planned growth areas and rural areas; provided, however, the court may order a stay upon appropriate terms if it is shown to the satisfaction of the court that any party or the public at large is likely to suffer significant injury if such stay is not granted. If more than one (1) suit is filed within the county, then all such suits shall be consolidated and tried as a single civil action.

(c) IF the court finds by a preponderance of the evidence that the urban growth boundaries, planned growth areas and/or rural areas are invalid because the adoption or approval thereof was granted in an arbitrary, capricious, illegal or other manner characterized by abuse of official discretion, THEN an order shall be issued vacating the same, in whole or in part, and remanding the same to the county and the municipalities in order to identify and obtain adoption or approval of urban growth boundaries, planned growth areas and/or rural areas in conformance with the procedures set forth within Section 5.

(d) Any party to the suit, aggrieved by the ruling of the chancery court, may obtain a review of the final judgment of the chancery court by appeal to the court of appeals.

SECTION 7.

(a)(1) The urban growth boundaries of a municipality shall:

(A) Identify territory that is reasonably compact yet sufficiently large to accommodate residential and nonresidential growth projected to occur during the next twenty
(20) years;

(B) Identify territory that is contiguous to the existing boundaries of the municipality;

(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; (if available, professional planning, engineering and/or economic studies may also be considered);

(D) Identify territory in which the municipality is better able and prepared than other municipalities to efficiently and effectively provide urban services; and

(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 areas and wildlife management areas.

(2) Before formally proposing urban growth boundaries to the coordinating committee, the municipality shall develop and report population growth projections; such projections shall be developed in conjunction with the University of Tennessee. The municipality shall also determine and report the current costs and the projected costs of core infrastructure, urban services and public facilities necessary to facilitate full development of resources within the current boundaries of the municipality and to expand such infrastructure, services and facilities throughout the territory under consideration for inclusion within the urban growth boundaries. The
municipality shall also determine and report on the need for additional land suitable for high density, industrial,

commercial and residential development, after taking into account all areas within the municipality's current boundaries that can be used, reused or redeveloped to meet such needs. The municipality shall examine and report on agricultural lands, forests, recreational areas and wildlife management areas within the territory under consideration for inclusion within the urban growth boundaries and shall examine and report on the likely long-term effects of urban expansion on such agricultural lands, forests, recreational areas and wildlife management areas.

(3) Before a municipal legislative body may propose urban growth boundaries to the coordinating committee, the municipality shall conduct at least two (2) public hearings. Notice of the time, place and purpose of the public hearing shall be published in a newspaper of general circulation in the municipality not less than fifteen (15) days before the hearing.

(b)(1) Each planned growth area of a county shall:

(A) Identify territory that is reasonably compact yet sufficiently large to accommodate residential and nonresidential growth projected to occur during the next twenty(20) years;

(B) Identify territory that is not within the existing boundaries of any municipality;

(C) Identify territory that a reasonable and prudent person would project as the likely site of high or moderate 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; (if available, professional planning, engineering and/or economic studies may also be considered);

(D) Identify territory that is not contained within urban growth boundaries; and

(E) Reflect the county's duty to manage natural resources and to manage and control urban growth, taking into account the impact to agricultural lands, forests, recreational areas and wildlife management areas.

(2) Before formally proposing any planned growth area

to the coordinating committee, the county shall develop and report population growth projections; such projections shall be developed in conjunction with the University of Tennessee. The county shall also determine and report the projected costs of providing urban type core infrastructure, urban services and public facilities throughout the territory under consideration for inclusion within the planned growth area as well as the feasibility of recouping such costs by imposition of fees or taxes within the planned growth area. The county shall also determine and report on the need for additional land suitable for high density industrial, commercial and residential development after taking into account all areas within the current boundaries of municipalities that can be used, reused or redeveloped to meet such needs. The county shall also determine and report on the likelihood that the territory under consideration for inclusion within the planned growth area will eventually incorporate as a new municipality or be annexed. The county shall also examine and report on agricultural lands, forests, recreational areas and wildlife management areas within the territory under consideration for inclusion within the planned growth area and shall examine and report on the likely long-term effects of urban expansion on such agricultural lands, forests, recreational areas and wildlife management areas.

(3) Before a county legislative body may propose planned growth areas to the coordinating committee, the county shall conduct at least two (2) public hearings. Notice of the time, place and purpose of the public hearing shall be published in a newspaper of general circulation in the county not less than fifteen (15) days before the hearing.

(c)(1) Each rural area shall:

(A) Identify territory that is not within urban growth boundaries;

(B) Identify territory that is not within a planned growth area;

(C) Identify territory that, over the next twenty (20) years, is to be preserved as agricultural lands, forests, recreational areas, wildlife management areas or for uses other than high density commercial, industrial or residential development; and

(D) Reflect the county's duty to manage growth and natural resources in a manner which reasonably minimizes detrimental impact to agricultural lands, forests, recreational areas and wildlife management areas.

(2) Before a county legislative body may propose rural areas to the coordinating committee, the county shall conduct at least two (2) public hearings. Notice of the time, place and purpose of the public hearing shall be published in a newspaper of general circulation in the county not less than fifteen (15) days before the hearing.

(d) Notwithstanding the extraterritorial planning jurisdiction authorized for municipal planning commissions designated as regional planning commissions in Title 13, Chapter 3, nothing in this act shall be construed to authorize municipal planning commission jurisdiction beyond an urban growth boundary; provided, however, in a county without county zoning, a municipality may provide extraterritorial zoning and subdivision regulation beyond its corporate limits with the approval of the county legislative body.

SECTION 8. Not later than July 1, 2001, a growth plan for each county shall be submitted to and approved by the local government planning advisory committee in accordance with the provisions of Section 5. After a growth plan is so approved, all land use decisions made by the legislative body and the municipality's or county's planning commission shall be consistent with the growth plan. The growth plan shall include, at a minimum, documents describing and depicting municipal corporate limits, as well as urban growth boundaries, planned growth areas, if any, and rural areas, if any, approved in conformance with the provisions of Section 5. The purpose of a growth plan is to direct the coordinated, efficient, and orderly development of the local government and its environs that will, based on an analysis of present and future needs, best promote the public health, safety, morals and general welfare. A growth plan may address land-use, transportation, public infrastructure, housing, and economic development. The goals and objectives of a growth plan include the need to:

(1) Provide a unified physical design for the development of the local community;

(2) Encourage a pattern of compact and contiguous high

density development to be guided into urban areas or planned growth areas;

(3) Establish an acceptable and consistent level of public services and community facilities and ensure timely provision of those services and facilities;

(4) Promote the adequate provision of employment opportunities and the economic health of the region;

(5) Conserve features of significant statewide or regional architectural, cultural, historical, or archaeological interest;

(6) Protect life and property from the effects of natural hazards, such as flooding, winds, and wildfires;

(7) Take into consideration such other matters that may be logically related to or form an integral part of a plan for the coordinated, efficient and orderly development of the local community; and

(8) Provide for a variety of housing choices and assure affordable housing for future population growth.

SECTION 9.

(a)(1) After the effective date of this act but before the approval of the growth plan by the local government planning advisory committee, a municipality may annex territory by ordinance as provided by § 6-51-102 unless the county legislative body adopts a resolution disapproving such annexation within sixty (60) days of the final passage of the annexation ordinance.

(2) If the county disapproves the annexation by adopting a resolution within the sixty (60) day period, then the ordinance shall not become operative until ninety (90) days after final passage subject to the proceedings under this section.

(3) If a quo warranto action is filed to challenge the annexation, if and after the requirements of subsection (b) below are met, a county filing the action has the burden of proving that:

(A) The annexation ordinance is unreasonable for the overall well-being of the communities involved; or

(B) The health, safety, and welfare of the citizens and property owners of the municipality and territory will not be materially retarded in the absence of such annexation.

(4) If the court without a jury finds that the ordinance by a preponderance of the evidence satisfies the requirements of subdivision (a)(3), the annexation ordinance shall take effect.

(b)(1) If a county disapproves the annexation as provided in subsection (a) and if the county is petitioned by a majority of the property owners by parcel within the territory which is the subject of the annexation to represent their interests, a county shall be deemed an aggrieved owner of property giving the county standing to contest an annexation ordinance. In determining a majority of property owners, a parcel of property with more than one (1) owner shall be counted only once and only if owners comprising a majority of the ownership interests in the parcel petition together as the owner of the particular parcel.

(2) A petition by property owners under this section shall be presented to the county clerk, who shall forward a copy of such petition to the county executive, county assessor of property and the chairperson of the county legislative body. After examining the evidence of title based upon the county records, within fifteen (15) days of receiving the copy of the petition, the assessor of property shall report to the county executive and the chairperson of the county legislative body whether or not in his or her opinion a majority of the property owners by parcel have petitioned the county according to this section.

(3) Notwithstanding any other provision of this chapter, a petition by property owners to the county under this section to contest an annexation shall be brought within sixty (60) days of the final passage of the annexation ordinance, and if the county legislative body adopts a resolution to contest the annexation, the county shall file suit to contest the annexation pursuant to this section within ninety (90) days of the final passage of the annexation ordinance.

(4) If the county or any other aggrieved owner of property does not contest the annexation ordinance under §6-51-103 within ninety (90) days of final passage of

the annexation ordinance, the ordinance shall become operative ninety (90) days after final passage thereof.

(5) If the county legislative body does not vote to permit the county to contest an annexation, the provision of Section 6-51-103 shall apply.

(c) After the effective date of this act, and before the approval of the growth plan by the local government planning advisory committee, a municipality may not extend its corporate limits by means of corridor annexation of a public right-of-way, or any easement owned by a governmental entity or quasi-governmental entity, railroad, utility company, or federal entity such as the U.S. Army Corps of Engineers or the Tennessee Valley Authority, or natural or man-made waterway, or any other corridor except under the following circumstances:

(1) The annexed area also includes each parcel of property contiguous to the right-of-way, easement, waterway or corridor adjacent on at least one (1) side; or

(2) The municipality receives the approval of the county legislative body of the county wherein the territory proposed to be annexed lies; or

(3) The owners of the property located at the end of the corridor petitioned the municipality for annexation, such owners agree to pay for necessary improvements to infrastructure on such property, such owners' property totals three (3) acres or more and is located within one and one-half (1.5) miles of the existing boundaries of the municipality, and the corridor annexation does not constitute an extension of any previous corridor annexation.

(d) Nothing in this section shall be construed to prevent a municipality from proposing extension of its corporate limits by the procedures in Sections 6-51-104 and 105. Provided, further, if the territory proposed to be annexed does not have any residents, such annexation may be accomplished only with the concurrence of the county as provided in (a) above.

(e) After the effective date of this act a municipality may not annex by ordinance upon its own initiative territory in any county other than the county in which the city hall of the annexing municipality is located, unless one (1) of the following applies:

(1) A municipality that is located in two (2) or more counties as of November 25, 1997, may annex by ordinance in all such counties, unless the percentage of the municipal population residing in the county or counties other than that in which the city hall is located is less than seven percent (7%) of the total population of the municipality; or

(2) A municipality may annex by ordinance with the approval by resolution of the county legislative body of the county in which the territory proposed to be annexed is located; or

(3) A municipality may annex by ordinance in any county in which, on January 1, 1998, the municipality provided sanitary sewer service to a total of one hundred (100) or more residential customers, commercial customers, or a combination thereof.

(4) This subsection (e) shall not affect any annexation ordinance adopted on final reading by a municipality prior to the effective date of this act, if such ordinance annexed property within the same county where the municipality is located or annexed property in a county other than the county in which the city hall is located if the property is used or is to be used only for industrial purposes.

(f)(1) After the effective date of this act but prior to January 1, 1999, a new city may be incorporated under the provisions of this act as long as the population requirements and the distance requirements of Sections 6-1-201, 6-18-103 or 6-30-103 and the requirements of Section 13(c) of this act are met.

(2) After January 1, 1999, a new municipality may only be incorporated in accordance with this act and with an adopted growth plan.

(3)(A) Notwithstanding any other provision of law to the contrary, if any territory with not less than two hundred twenty-five (225) residents acted pursuant to Chapter 98 of the Public Acts of 1997 or Chapter 666 of the Public Acts of 1996 from January 1, 1996, through November 25, 1997, and held an incorporation election, and a majority of the persons voting supported the incorporation, and results of such election were certified, then such territory upon filing a petition as provided in §

6-1-202, may conduct another incorporation election.

(B) If such territory votes to incorporate, the new municipality shall have priority over any prior or pending annexation ordinance of an existing municipality which encroaches upon any territory of the new municipality. Such new municipality shall comply with the requirements of Section 13(c) of this act.

SECTION 10.

(a) Upon approval of the growth plan by the local government planning advisory committee but beginning no earlier than July 1, 2000, each municipality within the county and the county shall receive an additional five (5) points on a scale of one hundred (100) points or a comparable percentage increase as determined by the commissioner in any evaluation formula for the allocation of private activity bond authority and for the distribution of grants from the department of economic and community development for the:

(1) Tennessee Industrial Infrastructure Program;

(2) Industrial Training Service Program; and

(3) Community Development Block Grants.

(b) Upon approval of the growth plan by the local government planning advisory committee but beginning no earlier than July 1, 2000, each municipality within the county and the county shall receive an additional five (5) points on a scale of one hundred (100) points or a comparable percentage increase as determined by the commissioner if permissible under federal requirements in any evaluation formula for the distribution of grants from the Department of Environment and Conservation for state revolving fund loans for water and sewer systems; provided, however, no such preferences shall be granted if prohibited by federal law or regulation.

(c) Upon approval of the growth plan by the local government planning advisory committee but beginning no earlier than July 1, 2000, each municipality within the county and the county shall receive an additional five (5) points on a scale of one hundred (100) points or a comparable percentage increase as determined by the executive director in any evaluation formula for the

distribution of HOUSE or HOME grants from the Tennessee Housing Development Authority or low income tax credits or private activity bond authority; provided, however, no such preferences shall be granted if prohibited by federal law or regulation.

SECTION 11. Effective July 1, 2001, the following loan and grant programs shall be unavailable in those counties and municipalities that do not have growth plans approved by the local government planning advisory committee, and shall remain unavailable until growth plans have been approved:

(1) Tennessee Housing Development Agency Grant Programs;

(2) Community Development Block Grants;

(3) Tennessee Industrial Infrastructure Program Grants;

(4) Industrial Training Service Grants;

(5) Intermodal Surface Transportation Efficiency Act funds or any subsequent federal authorization for transportation funds; and

(6) Tourism Development Grants.

SECTION 12.

(a) Within a municipality's approved urban growth boundaries, a municipality may use any of the methods in Title 6, Chapter 51 to annex territory. Provided, however, if a quo warranto action is filed to challenge the annexation, the party filing the action has the burden of proving that:

(1) An annexation ordinance is unreasonable for the overall well-being of the communities involved; or

(2) The health, safety, and welfare of the citizens and property owners of the municipality and territory will not be materially retarded in the absence of such annexation.

(b) In any such action, the action shall be tried by the circuit court judge or chancellor without a jury.

(c) A municipality may not annex territory by ordinance beyond its urban growth boundary without following the procedure in subsection (d).

(d)(1) If a municipality desires to annex territory beyond its urban growth boundary, the municipality shall first propose an amendment to its urban growth boundary with the coordinating committee under the procedure in Section 5.

(2) As an alternative to proposing a change in the urban growth boundary to the coordinating committee, the municipality may annex the territory by referendum as provided in §§6-51-104 and 6-51-105.

SECTION 13.

(a)(1) After January 1, 1999, a new municipality may only be created in territory approved as a planned growth area in conformity with the provisions of Section 5;

(2) A county may provide or contract for the provision of services within a planned growth area and set a separate tax rate specifically for the services provided within a planned growth area; and

(3) A county may establish separate zoning regulations within a planned growth area, for territory within an urban growth boundary or within a rural area.

(b) An existing municipality which does not operate a school system or a municipality incorporated after the effective date of this act, may not establish a school system.

(c) A municipality, incorporated after the effective date of this act, shall impose a property tax that raises an amount of revenue not less than the amount of the annual revenues derived by the municipality from state shared taxes. The municipality shall levy and collect the property tax before the municipality may receive state shared taxes. Furthermore, the provisions of Tennessee Code Annotated, Section 6-51-115(b), shall apply within the territory of such newly incorporated municipality as if such territory had been annexed rather than incorporated.

(d)(1) If the residents of a planned growth area petition to have an election of incorporation, the county legislative body shall approve the corporate limits and the

urban growth boundary of the proposed municipality before the election to incorporate may be held.

(2) Within six (6) months of the incorporation election, the municipality shall adopt by ordinance a plan of services for the services the municipality proposes to deliver. The municipality shall prepare and publish its plan of services in a newspaper of general circulation distributed in the municipality. The rights and remedies of §6-51-108 apply to the plan of services adopted by the municipality.

SECTION 14. Until December 31, 2002, the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) shall monitor implementation of this act and shall periodically report its findings and recommendations to the General Assembly. Each agency of the executive branch, each municipal and county official, each local government organization, including any planning commission and development district, shall cooperate with the commission and provide necessary information and assistance for the commission's reports. TACIR reserve funds may be expended for the purpose of performing duties assigned by this section.

SECTION 15.

(a) It is the intent of the General Assembly that local governments engage in long-term planning, and that such planning be accomplished through regular communication and cooperation among local governments, the agencies attached to them, and the agencies that serve them. It is also the intent of the General Assembly that the growth plans required by this bill result from communication and cooperation among local governments.

(b) There shall be established in each county a joint economic and community development board which shall be established by interlocal agreement pursuant to Tennessee Code Annotated, Section 5-1-113. The purpose of the board is to foster communication relative to economic and community development between and among governmental entities, industry, and private citizens.

(c) Each joint economic and community development board shall be composed of representatives of county and city governments, private citizens, and present industry and businesses. The final makeup of the board shall

be determined by interlocal agreement but shall, at a minimum, include the county executive and the mayor or city manager, if appropriate, of each city lying within the county and one (1) person who owns land qualifying for classification and valuation under Tennessee Code Annotated, Title 67, Chapter 5, Part 10. Provided, however, in cases where there are multiple cities, smaller cities may have representation on a rotating basis as determined by the interlocal agreement.

(d) There shall be an executive committee of the board which shall be composed of members of the joint economic and community development board selected by the entire board. The makeup of the executive committee shall be determined by the entire joint economic and community development board but shall, at a minimum, include the county executive and the mayors or city manager of the larger municipalities in the county.

(e) The terms of office shall be determined by the interlocal agreement but shall be staggered except for those positions held by elected officials whose terms shall coincide with the terms of office for their elected positions. All terms of office shall be for a maximum of four (4) years.

(f) The board shall meet, at a minimum, four (4) times annually and the executive committee of the board shall meet at least eight (8) times annually. Minutes of all meetings of the board and the executive committee shall be documented by minutes kept and certification of attendance. Meetings of the joint economic and community development board and its executive committee are subject to the open meetings law.

(g)(1) The activities of the board shall be jointly funded by the participating governments. The formula for determining the amount of funds due from each participating government shall be determined by adding the population of the entire county as established by the last federal decennial census to the populations of each city as determined by the last federal decennial census, or special census as provided for in Section 6-51-114, and then determining the percentage that the population of each governmental entity bears to the total amount.

(2) If a special census has been certified pursuant to Tennessee Code Annotated, Section 6-51-114, during the five

(5) year period after certification of the last federal decennial census, the formula shall be adjusted by the board to reflect the result of the special census. Provided, however, the board shall only make such an adjustment during the fifth year following the certification of a federal decennial census.

(3) The board may accept and expend donations, grants and payments from persons and entities other than the participating governments.

(4) If, on the effective date of this act, a county and city government have a joint economic and community development council which has an established funding mechanism to carry out a unified economic and community development program for the entire county, such funding mechanism shall be utilized in lieu of the formula established in this subsection.

(h) An annual budget to fund the activities of the board shall be recommended by the executive committee to the board which shall adopt a budget before the first day of April of each year. The funding formula established by this act shall then be applied to the total amount budgeted by the board as the participating governments' contributions for the ensuing fiscal year. The budget and a statement of the amount due from each participating government shall be immediately filed with the appropriate officer of each participating government. In the event a participating government does not fully fund its contribution, the board may establish and impose such sanctions or conditions as it deems proper.

(i) When applying for any state grant a city or a county shall certify its compliance with the requirements of this section.

(j) If there exists within a county a similar organization on the effective date of this act, that organization may satisfy the requirements of this section. The county executive shall file a petition with the committee who shall make a determination whether the existing organization is sufficiently similar to the requirements of this section. When the committee has made its determination, an affected municipality or county may rely upon that status of the existing organization to satisfy the certification requirements of subsection (i).

SECTION 16. The provisions of this chapter shall not apply to any annexation ordinance that was pending, but not yet effective, on November 25, 1997.

SECTION 17.

SECTION 18. (a) Tennessee Code Annotated, Section 7-2-101, is amended by adding the following as subdivision (4):

(4) The commission may be created upon receipt of a petition, signed by qualified voters of the county, equal to at least ten percent (10%) of the number of votes cast in the county for governor in the last gubernatorial election.

(A) Such petition shall be delivered to the county election commission for certification. After the petition is certified, the county election commission shall deliver the petition to the governing body of the county and the governing body of the principal city in the county. Such petition shall become the consolidation resolution of the county and the principal city in the county. The resolution shall provide that a metropolitan government charter commission is established to propose to the people the consolidation of all, or substantially all, of the government and corporate functions of the county and its principal city and the creation of a metropolitan government for the administration of the consolidated functions.

(B) Such resolution shall either:

(i) Authorize the county executive or county mayor to appoint ten (10) commissioners, subject to confirmation by the county governing body, and authorize the mayor of the principal city to appoint five (5) commissioners, subject to confirmation by the city governing body; or

(ii) Provide that an election shall be held to select members of the metropolitan government charter commission; provided, however, if the governing body of the county and the governing body of the principal city cannot agree on the method of selecting members of the metropolitan government charter commission within sixty (60) days of certification, then an election shall be held to select members of the metropolitan government charter

commission as provided in Section 7-2-102.

(C) It is the legislative intent that the persons appointed to the charter commission shall be broadly representative of all areas of the county and principal city and that
every effort shall be made to include representatives from various political, social, and economic groups within the county and principal municipality.

(D) When such resolution shall provide for the appointment of commissioners of the county and city, the metropolitan government charter commission shall be created and duly constituted after appointments have been made and confirmed.

(E) When such resolution shall provide for an election to select members of the metropolitan government charter commission, copies thereof shall be certified by the clerk of the governing bodies to the county election commission, and thereupon an election shall be held as provided in Section 7-2-102.

(F) When the consolidation resolution provides for the appointment of members of the metropolitan government charter commission, such appointments shall be made within thirty (30) days after the resolution is submitted to the governing bodies of the county and the principal city.

(G) If the referendum to approve consolidation fails, another commission may not be created by petition for three (3) years.

(b) Tennessee Code Annotated, Section 7-2-101(1)(B)(i), is amended by deleting the words "presiding officer of the county governing body" and substituting
instead the words "county executive or county mayor".

(c) Tennessee Code Annotated, Section 7-2-101(2)(B), is amended by deleting the words "presiding officer of the county governing body" and substituting instead
the words "county executive or county mayor".

(d) Tennessee Code Annotated, Section 7-2-101(2)(B)(i), is amended by deleting wherever they may appear, the words "presiding officer of the county governing
body" and substituting instead the words "county executive

or county mayor".

SECTION 19. Tennessee Code Annotated, Section 6-51-102, is amended by deleting subsection (b) and substituting instead the following:

(b)(1) Before any territory may be annexed under this section by a municipality, the governing body shall adopt a plan of services establishing at least the services to be delivered and the projected timing of the services. The plan of services shall be reasonable with respect to the scope of services to be provided and the timing of the services.

(2) The plan of services shall include, but not be limited to: police protection, fire protection, water service, electrical service, sanitary sewer service, solid waste collection, road and street construction and repair, recreational facilities and programs, street lighting, and zoning services. The plan of services may exclude services which are being provided by another public agency or private company in the territory to be annexed other than those services provided by the county.

(3) The plan of services shall include a reasonable implementation schedule for the delivery of comparable services in the territory to be annexed with respect to the services delivered to all citizens of the municipality.

(4) Before a plan of services may be adopted, the municipality shall submit the plan of services to the local planning commission, if there is one, for study and a written report, to be rendered within ninety (90) days after such submission, unless by resolution of the governing body a longer period is allowed. Before the adoption of the plan of services, a municipality shall hold a public hearing. Notice of the time, place, and purpose of the public hearing shall be published in a newspaper of general circulation in the municipality not less than fifteen (15) days before the hearing. The notice shall include the locations of a minimum of three (3) copies of the plan of services which the municipality shall provide for public inspection during all business hours from the date of notice until the public hearing.

(5) A municipality may not annex any other territory if the municipality is in default on any prior plan of services.

(6) If a municipality operates a school system, and if the municipality annexes territory during the school year, any student may continue to attend his or her present school until the beginning of the next succeeding school year unless the respective boards of education have provided otherwise by agreement.

SECTION 20. Tennessee Code Annotated, Section 6-51-102(a)(2), is amended by adding the following new subdivisions:

(2)(A) If an annexation ordinance was not final on November 25, 1997, and if the municipality has not prepared a plan of services, the municipality shall have sixty (60) days to prepare a plan of services.

(B)(1) For any plan of services that is not final on the effective date of this act or for any plan of services adopted after the effective date and before the approval of the growth plan by the committee, the county legislative body of the county where the territory subject to the plan of services is located may file a suit in the nature of a quo warranto proceeding to contest the reasonableness of the plan of services.

(2) If the county is petitioned by a majority of the property owners by parcel within the territory which is the subject of the plan of services to represent their interests, a county shall be deemed an aggrieved owner of property giving the county standing to contest the reasonableness of the plan of services. In determining a majority of property owners, a parcel of property with more than one (1) owner shall be counted only once and only if owners comprising a majority of the ownership interests in the parcel petition together as the owner of the particular parcel.

(3) A petition by property owners under this section shall be presented to the county clerk, who shall forward a copy of such petition to the county executive, county assessor of property and the chairperson of the county legislative body. After examining the evidence of title based upon the county records, within fifteen (15) days of receiving the copy of the petition, the assessor of property shall report to the county executive and the chairperson of the county legislative body whether or not in his or her opinion a majority of the property owners by parcel have petitioned the county according to this section.

(4) Notwithstanding any other provision of this chapter, a petition by property owners to the county under this section to contest the reasonableness of the plan of services shall be brought within sixty (60) days of the final adoption of the plan of services, and if the county legislative body adopts a resolution to contest the plan of services, the county shall file suit to contest the plan of services pursuant to this section within ninety (90) days of the final adoption of the plan of services.

(C) If the court finds the plan of services to be unreasonable, or to have been done by exercise of powers not conferred by law, an order shall be issued vacating the same, and the order shall require the municipality to submit a revised plan of services for the territory within thirty (30) days; provided, however, by motion the municipality may request to abandon the plan of services, and in such case the municipality is prohibited from annexing by ordinance any part of such territory proposed for annexation for not less than twenty-four (24) months. In the absence of such finding, an order shall be issued sustaining the validity of such plan of services ordinance, which shall then become operative thirty-one (31) days after judgment is entered unless an abrogating appeal has been taken therefrom.

(D) If a municipal plan of services has been challenged in court under this section and if the court has rendered a decision adverse to the plan, then a municipality may not annex any other territory by ordinance until the court determines the municipality is in compliance.

SECTION 21.

(a) Tennessee Code Annotated, Section 6-51-108(b), is amended by deleting the first sentence and substituting instead the following:

Upon the expiration of six (6) months from the date any annexed territory for which a plan of service has been adopted becomes a part of the annexing municipality, and annually thereafter until services have been extended according to such plan, there shall be prepared and published in a newspaper of general circulation in the municipality a report of the progress made in the preceding year toward extension of services according to such plan, and any changes proposed therein. The governing body of the municipality shall publish notice of a

public hearing on such progress reports and changes, and hold such hearing thereon.

(b) Tennessee Code Annotated, Section 6-51-108, is amended by deleting the next to the last sentence in subsection (b) and by adding the following as new subsections (c) and (d):

(c) A municipality may amend a plan of services by resolution of the governing body only after a public hearing for which notice has been published at least fifteen (15) days in advance in a newspaper of general circulation in the municipality when:

(1) The amendment is reasonably necessary due to natural disaster, act of war, act of terrorism, or reasonably unforeseen circumstances beyond the control of the
municipality; or

(2) The amendment does not materially or substantially decrease the type or level of services or substantially delay the provision of services specified in the original plan; or

(3) The amendment:

(i) Proposes to materially and substantially decrease the type or level of services under the original plan or to substantially delay those services; and

(ii) Is not justified under (c)(1); and

(iii) Has received the approval in writing of a majority of the property owners by parcel in the area annexed. In determining a majority of property owners, a parcel of property with more than one (1) owner shall be counted only once and only if owners comprising a majority of the ownership interests in the parcel petition together as the owner of the particular parcel.

(d) An aggrieved property owner in the annexed territory may bring an action in the appropriate court of equity jurisdiction to enforce the plan of services at any time after one hundred eighty (180) days after an annexation by ordinance takes effect and until the plan of services is fulfilled, and may bring an action to challenge the legality of an amendment to a plan of services if such

action is brought within thirty (30) days after the adoption of the amendment to the plan of services. If the court finds that the municipality has amended the plan of services in an unlawful manner, then the court shall decree the amendment null and void and shall reinstate the previous plan of services. If the court finds that the municipality has materially and substantially failed to comply with its plan of services for the territory in question, then the municipality shall be given the opportunity to show cause why the plan of services was not carried out. If the court finds that the municipality's failure is due to natural disaster, act of war, act of terrorism, or reasonably unforeseen circumstances beyond the control of the municipality which materially and substantially impeded the ability of the municipality to carry out the plan of services, then the court shall alter the timetable of the plan of services so as to allow the municipality to comply with the plan of services in a reasonable time and manner. If the court finds that the municipality's failure was not due to natural disaster, act of war, act of terrorism, or reasonably unforeseen circumstances beyond the control of the municipality which materially and substantially impeded the ability of the municipality to carry out the plan of services, then the court shall issue a writ of mandamus to compel the municipality to provide the services contained in the plan, shall establish a timetable for the provision of the services in question, and shall enjoin the municipality from any further annexations until the services subject to the court's order have been provided to the court's satisfaction, at which time the court shall dissolve its injunction. If the court determines that the municipality has failed without cause to comply with the plan of services or has unlawfully amended its plan of services, the court shall assess the costs of the suit against the municipality.

SECTION 22. For any land that is presently used for agricultural purposes, 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.

SECTION 23. Tennessee Code Annotated, Title 6, Chapter 51, Part 1, is amended by adding the following as a new section:

Section __. No provision of this act applies to an annexation in any county with a metropolitan form of

government in which any part of the general services district is annexed into the urban services district. Provided, however, any section of Title 6, Chapter 51, Part 1, specifically referenced on the effective date of this act in the charter of any county with a metropolitan form of government shall refer to the language of such sections in effect on January 1, 1998.

SECTION 24. Tennessee Code Annotated, Section 6-51-115, is amended by designating the existing section as subsection (a), renumbering present subsections as subdivisions, and adding the following as new subsections:

(b) In addition to the preceding provisions of this section, when a municipality annexes territory in which there is retail or wholesale activity at the time the annexation takes effect or within three (3) months after the annexation date, the following shall apply:

(1) Notwithstanding the provisions of Section 57-6-103 or any other law to the contrary, for wholesale activity involving the sale of beer, the county shall continue to receive annually an amount equal to the amount received by the county in the twelve (12) months immediately preceding the effective date of the annexation for beer establishments in the annexed area that produced Wholesale Beer Tax revenues during that entire twelve (12) months. For establishments that produced Wholesale Beer Tax revenues for at least one (1) month but less than the entire twelve (12) month period, the county shall continue to receive an amount annually determined by averaging the amount of Wholesale Beer Tax revenue produced during each full month the establishment was in business during that time and multiplying this average by twelve (12). For establishments which did not produce revenue before the annexation date but produced revenue within three (3) months after the annexation date, and for establishments which produced revenue for less than a full month prior to annexation, the county shall continue to receive annually an amount determined by averaging the amount of Wholesale Beer Tax revenue produced during the first three (3) months the establishment was in operation and multiplying this average by twelve (12). The provisions of this subdivision are subject to the exceptions in subsection (c). A municipality shall only pay the county the amount required by this subdivision, for a period of fifteen (15) years.

(2) Notwithstanding the provisions of Section 67-6-712

or any other law to the contrary, for retail activity subject to the Local Option Revenue Act, the county shall continue to receive annually an amount equal to the amount of revenue the county received pursuant to Section 67-6-712(a)(2)(A) in the twelve (12) months immediately preceding the effective date of the annexation for business establishments in the annexed area that produced Local Option Revenue Act revenue during that entire twelve (12) months. For business establishments that produced such revenues for more than a month but less than the full twelve (12) month period, the county shall continue to receive an amount annually determined by averaging the amount of Local Option Revenue produced by the establishment and allocated to the county under Section 67-6-712(a)(2)(A) during each full month the establishment was in business during that time and multiplying this average by twelve (12). For business establishments which did not produce revenue before the annexation date and produced revenue within three (3) months after the annexation date, and for establishments which produced revenue for less than a full month prior to annexation, the county shall continue to receive annually an amount determined by averaging the amount of Local Option Revenue produced and allocated to the county under Section 67-6-712(a)(2)(A) during the first three (3) months the establishment was in operation and multiplying this average by twelve (12). The provisions of this subdivision are subject to the exceptions in subsection (c). A municipality shall only pay the county the amount required by this subdivision, for a period of fifteen (15) years.

(c) Subsection (b) is subject to these exceptions:

(1) Subdivision (b)(1) ceases to apply as of the effective date of the repeal of the Wholesale Beer Tax, should this occur.

(2) Subdivision (b)(2) ceases to apply as of the effective date of the repeal of the Local Option Revenue Act, should this occur.

(3) Should the General Assembly reduce the amount of revenue from the Wholesale Beer Tax or the Local Option Revenue Act, accruing to municipalities by changing the distribution formula, the amount of revenue accruing to the county under subsection (b) will be reduced proportionally as of the effective date of the reduction.

(4) A county, by resolution of its legislative body, may waive its rights to receive all or part of the revenues provided by subsection (b). In these cases, the revenue shall be distributed as provided in Sections 57-6-103 and 67-6-712 of the respective tax laws unless otherwise provided by agreement between the county and municipality.

(5) Annual revenues paid to a county by or on behalf of the annexing municipality are limited to the annual revenue amounts provided in subsection (b) and known as "annexation date revenue" as defined in subdivision (e)(2). Annual situs-based revenues in excess of the "annexation date revenue" allocated to one (1) or more counties shall accrue to the annexing municipality. Any decrease in the revenues from the situs-based taxes identified in subsection (b) shall not affect the amount remitted to the county or counties pursuant to subsection (b) except as otherwise provided in this subsection. Provided, however, a municipality may petition the Department of Revenue no more often than annually to adjust annexation date revenue as a result of the closure or relocation of a tax producing entity.

(d)(1) It is the responsibility of the county within which the annexed territory lies to certify and to provide to the department of revenue a list of all tax revenue producing entities within the proposed annexation area.

(2) The Department of Revenue shall determine the local share of revenue from each tax listed in this section generated within the annexed territory for the year before the annexation becomes effective, subject to the requirements of subsection (b). This revenue shall be known as the "annexation date revenue".

(3) The Department of Revenue with respect to the revenues described in subdivision (b)(2), and the municipality with respect to the revenues described in subdivision (b)(1), shall annually distribute an amount equal to the annexation date revenue to the county of the annexed territory.

SECTION 25. Tennessee Code Annotated, Section 13-3-102, is amended by inserting in the first sentence between the words "is" and "more" the language "outside the municipality's urban growth boundary or, if no such boundary exists,".

SECTION 26. Tennessee Code Annotated, Section 13-3-401(2), is amended by inserting between the words "is" and "more" the language "outside the municipality's urban growth boundary or, if no such boundary exists,".

SECTION 27. Tennessee Code Annotated, Section 6-1-201(b), is amended by adding the following language as subdivision (1):

If any part of the unincorporated territory proposed for incorporation is within five (5) miles of an existing municipality of one hundred thousand (100,000) or more according to the most recent federal census and if the governing body of such municipality adopts a resolution by a two-thirds (2/3) vote indicating that the municipality has no desire to annex the territory, such territory may be included in a proposed new municipality. A petition for incorporation shall include a certified copy of such resolution from the affected municipality.

SECTION 28. Tennessee Code Annotated, Section 6-1-202, is amended by deleting subsection (a) and substituting instead the following:

The county election commission shall hold an election for the purpose of determining whether this charter shall become effective for any municipality or newly incorporating territory upon the petition in writing of at least thirty-three and one-third percent (33 1/3%) of the registered voters of the municipality or territory. The petition shall include a current list of the registered voters who live within the proposed territory. The petition shall state in a sufficient manner the boundaries of the proposed municipal corporation, which may be done by a general reference to the boundaries then existing if there is one. Upon receipt of the petition the county election commission shall examine the petition to determine the validity of the signatures in accordance with Section 2-1-107. The county election commission shall have a period of twenty (20) days to certify whether the petition has the sufficient number of signatures of registered voters. If the petition is sufficient to call for an election on the issue of incorporation, the county election commission shall hold an election, providing options to vote "FOR" or "AGAINST" the incorporation of the new charter, not less than forty-five (45) days nor more than sixty (60) days after the petition is certified. The date of the election shall be set

in accordance with Section 2-3-204. The county election commission shall, in addition to all other notices required by law, publish one (1) notice of the election in a newspaper of general circulation within the territory of the municipality or of the proposed municipality, and post the notice in at least three (3) places in the territory.

SECTION 29. 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 30. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 1, 1998

APPROVED this 19th day of May 1998

Appendix B

Copy of the Method Used by the University of Tennessee Center for Business and Economic Research to Predict Future Populations for Counties and Municipalities

State, County, and City Population Projections For the State of Tennessee

1. Statistical Techniques

The projections of state, county, and city population through 2020 have been generated in three stages. First, projections of population for each of Tennessee's 95 counties are produced. These county projections are then summed to obtain the state population projection. Finally, the city projections are generated by combining forecasts of each city's share of its county's population with the projected county population. The statistical techniques used to generate the county and city projections are detailed below.

County Projections

The county population projections are based on the following definition of annual population change:

change in population = births - deaths + net migration

Given this relationship, the county projections are generated by first producing projections of births, deaths, and net migration by county. From these forecasted components of population change, forecasts of the annual change in county population, and of annual total county population, are easily calculated.

The forecasts of births, deaths, and net migration are

generated using a statistical model referred to as a vector autoregression, or VAR. A VAR is a sophisticated yet convenient statistical model used to capture the evolution of a set of related variables over time. Because it is used to model the evolution of variables over time, a VAR is referred to as a time series model. It is highly appropriate to model a set of variables using a VAR when it is believed that the primary force determining the values of a variable are the past values of the variable itself, as well as interactions with other related variables.

Generally, time series models such as the VAR have been shown to be highly effective tools for forecasting a small set of variables over a relatively long period of time. A primary benefit of using a VAR to produce a forecast is that all information necessary to generate the forecast is present in the VAR model. That is, no external data are required to forecast from a VAR. An alternative approach to forecasting population would be to develop a structural model which attempts to fully describe all determinants of population growth. A structural model would need to include a large number of variables such as: infrastructure provision, local area income and employment, education, and so on. In other words, factors that explain fertility and death rates, and the factors that repel and attract people

(i.e., net migration).

The use of such a model to accurately forecast population would entail two largely intractable steps: detailing the impacts of these variables on population growth (or its components), and developing forecasts of each of these variables for the purpose of forecasting population itself. Thus, forecasting population using a structural model requires first generating forecasts of every variable which has an impact on population and its component parts. These external forecasts will of course be obtained with some degree of uncertainty, compounding the uncertainty surrounding the population forecast itself. In contrast, the VAR does not require external forecasts, and indeed VAR models often produce forecasts which are superior to those produced by large structural models. The U.S. Bureau of the Census maintains both a time series and a structural model for developing forecasts of state population. They explicitly prefer the time series model, for the reasons outlined above, as well as for more technical statistical concerns.

Several statistical checks and adjustments have been performed on the forecasts of county variables to help ensure their accuracy. These adjustments are necessary in some cases because of the relatively short data history

available. A short data history may lead to raw forecasts of population components which are clearly (from a statistical point of view) unreliable. If this is the case, a simple statistical adjustment is performed which produces a more reliable forecast. These statistical adjustments involve examining the births, deaths, and net migration forecasts for each county and modifying the results when necessary.

First, the forecast of births for each county is considered. If this forecast displays either an upward or downward trend in births which is significantly different from the historical births trend, the forecast is adjusted to reflect the historical trend. This same check and adjustment is also used in the case of the county deaths forecasts. In contrast, the net migration series often does not display clear historical trends as do the births and deaths variables. To determine if the net migration forecast for a county needs to be adjusted, the final period net migration value is compared with the historical average value of net migration. If the VAR has produced a statistically unreliable forecast, these two values should be significantly different. If they are, the net migration series is adjusted by extending the historical average net migration throughout the entire forecast.

Once the population component forecasts for each county

have been examined, and adjusted when necessary, the forecasted annual change in population and the resulting annual total population is calculated. Aside from the statistical checks outlined above, the county projections have been examined in light of two additional factors: population density and group quarters population. First, the projected 2020 population density for each county is compared with the county's own current population density, and with that for all of the other counties in the state. This check serves to identify counties with an unsustainable projected growth in population. Second, each county is examined for recent large changes in group quarters population, which will result in recent erratic behavior of the county's net migration series. If a county experienced an unusual change in group quarters population, such as the addition of a prison, the county's net migration series is adjusted accordingly. Therefore, the county projections are not affected by one-time changes in group quarters population.

After the county projections have been thoroughly scrutinized, they are summed to obtain the state population projection. The county population projections also serve as the foundation for the city population projections, as detailed below.

City Projections

The general approach to projecting city population is to first produce forecasts of each city's share of its respective county's total population. Given these forecasted shares, and the previously generated county population projections, the city population projections are easily calculated. More specifically, the forecasts of city population shares have in most cases been produced by extrapolating the historical trend of the city population share. Efforts were made to ensure that the city population projections take into account recent annexations and other recent sources of city population change. This is accomplished by comparing the city's 1998 certified population with the Census Bureau population estimate for 1996. If the 1998 population is higher than the 1996 estimate, the city's population forecast is adjusted upward to reflect the higher level of population. For those cities which had zero population through 1996, the population projection is generated by extending the 1998 city population share which is based on the 1998 certified population.

A consistent adjustment was made for cities whose population declined after 1990, and for which the projection was for a continued decrease. In light of the relatively

short series of historical city-level data available, it is difficult to justify projecting a continued fall in the population of these declining cities through 2020. Therefore, in these cases the city's population is projected to be at least at its 1990 level throughout the entire forecast.

The use of city-specific historical data ensures a reliable relationship between the city and county growth patterns. However, this relatively short data series does not automatically ensure consistency with longer-term settlement patterns in terms of the mix of urban and rural population. For the state as a whole, in 1970 and 1980 approximately 60 percent of the total population was accounted for by incorporated areas. While this percentage slipped slightly to 58.8 percent in 1990, the long-term historical state-level data suggests that a reliable projection of population should have between 58 and 60 percent of total population in incorporated areas. Indeed, the city population projections do indicate that the percent of people living in incorporated areas is consistent with the long-term trend. In the year 2000, the projections indicate a 58.8 percent incorporated population. By 2020, this figure rises slightly to 59.2 percent.

Thus, the county and city population projections are

completely consistent with historical settlement patterns for the state as a whole. However, this alone does not ensure that the projections for any one county are consistent with historical settlement trends within that county. Therefore, the projected urban-rural mix for each individual county was examined in light of the settlement patterns in that county between 1960 and 1996. This final check strongly indicates that the split between incorporated and unincorporated areas, as implied by the population projections, is entirely consistent with historical trends both as a statewide average and at the individual county-level.

2. Data Sources

County Projections

The 1970, 1980 and 1990 Decennial Censuses of Population, collected and published by the Bureau of the Census, U.S. Department of Commerce, provide the core data for the county projections. Estimates for intercensal years, 1971-1979, 1981-1989, and 1991-1997, were also produced and published by the Population Division of the Census Bureau.

The components of change-births, deaths, and net migration-are detailed on the Census Bureau web site for the years 1980-1996. These data were used as reported with the

exception that 1980 births and deaths were adjusted to equal a 12-month period (July 1980-June1981) rather than a 15-month period (April 1980-June 1981).

Data on births and deaths for 1970-1980 are not available from the Census Bureau. For these years, details of births and deaths by county of residence are those reported annually in Tennessee Vital Statistics by the Tennessee Department of Health. Also, net migration data for 1970-1980 were computed by the Center for Business and Economic Research as a residual of the later year's population less the earlier year's population adjusted for natural increase (births minus deaths).

Information on persons living in Group Quarters from 1990 to 1997 are also from the Census Bureau. Prison populations, as well as prison capacities, are detailed in the Annual Report, Tennessee Department of Corrections.

Finally, measures of population density incorporate the area measurements for counties as reported in the 1990 Census of Population.

City Projections

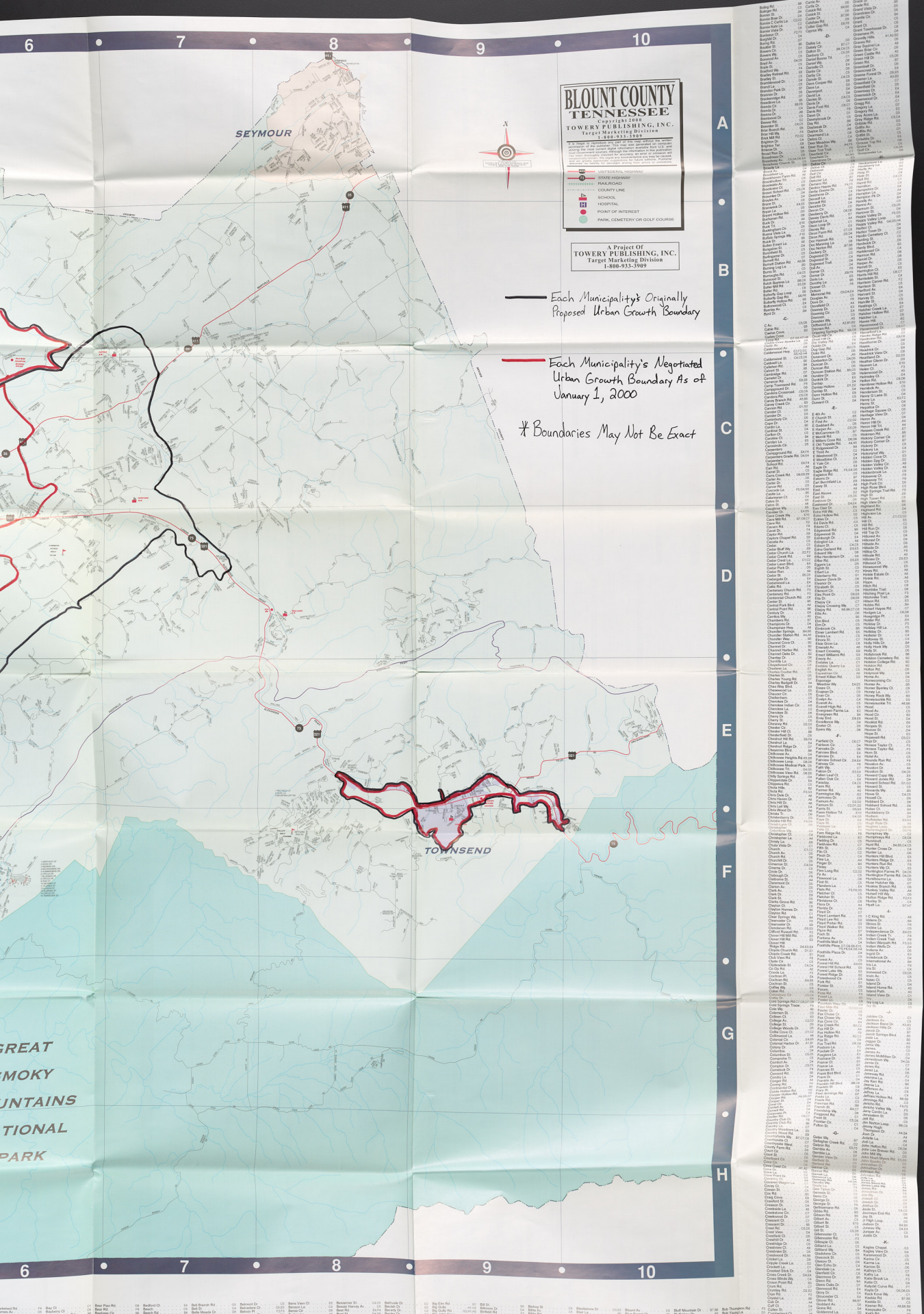
The 1990 Census counts, and Census estimates for 1991-1996, are the core data for the city population projections. These data are from the Bureau of the Census, U.S. Department of Commerce, and can be found on the Census

Bureau web site. These data were supplemented by information on annexations and special censuses from the " 1998 Certified Population of Tennessee Counties" compiled by the Tennessee Department of Economic and Community Development, Local Planning Assistance Office.

Vita

Warren William Campbell was born in Rockville, Maryland on March 22, 1975. He attended St. Elizabeth Catholic School for his eight year elementary schooling. He then enter the Montgomery County Public School System of Maryland and attended Richard Montgomery High School in Rockville where he graduated in 1993. The author choose to pursue his education by attending Frostburg State University in Western Maryland where he obtained a Bachelor's of Science in Environmental Analysis and Planning and a Minor in Biology in May of 1998. The author choose to further his education by obtaining a Masters of Science in Planning at the University of Tennessee. The author graduated from the University of Tennessee on May 12, 2000 the MSP degree. He is presently pursuing a career in urban planning for a smaller municipality, which is a suburb of a larger municipality. He hopes to become the director of a planning department at some point in the future.

LOUISVILLE
ALCOA
ROCKFORD
EAGLETON VILLAGE
FRIENDSVILLE
MARYVILLE
BLOUNT COUNTY
0 1 2
Miles


BLOUNT COUNTY
TENNESSEE
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Each Municipality's Originally Proposed Urban Growth Boundary
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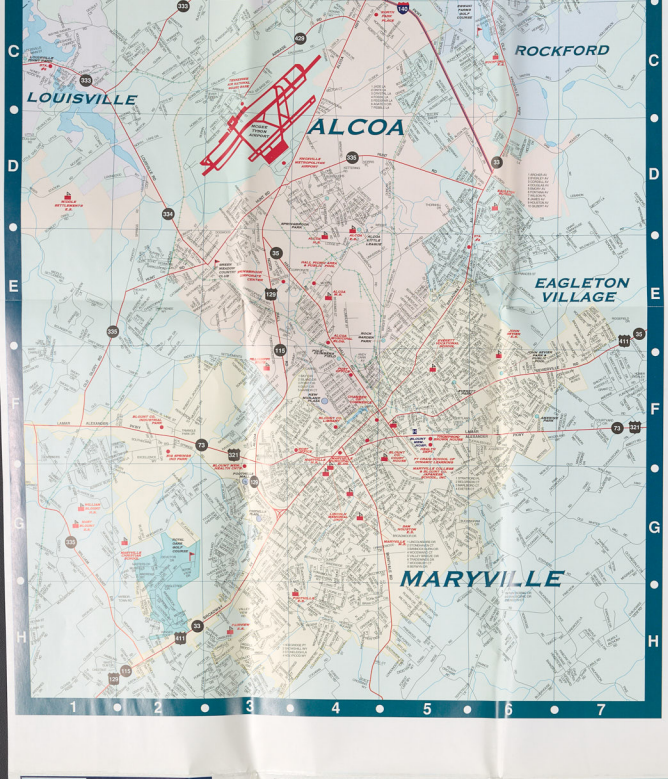

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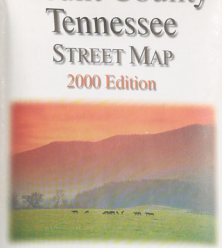

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An Assessment of Public Chapter 1101: Implementation in Blount County, Tennessee

The University of Tennessee, Knoxville
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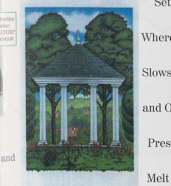

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• District Attorney General: ... (865) 273-5660
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