

**KNOX COUNTY TRANSFER OF DEVELOPMENT RIGHTS
TASK FORCE
MEETING**

**Tuesday, July 21, 2009
Main Assembly Room
City County Building
400 West Main Street**

MINUTES

Call to Order:

At 5:38 p.m. Lisa Starbuck called the meeting to order. The following task force members were present: Lisa Starbuck, Jim McEvers, Lynn Redmon, Bob Wolfenbarger, Victoria Defreese, and Daphne Hull. The following MPC staff was present: Mark Donaldson, Mike Carberry, and Jeff Archer. CTV was also there to broadcast the meeting.

Lisa started the meeting by asking if there were any concerns about the last two meeting minutes. After hearing no concerns, Bob Wolfenbarger made a motion to accept the minutes and Lynn Redmon seconded the motion and the motion passed unanimously.

Discussion:

Lisa asked staff if there were any other house keeping items. Jeff Archer responded no. Lisa proceeded to discuss the agenda of the meeting was to review the recommendations that were prepared by MPC, titled "Recommendations for Transfer of Development Rights Task Force." This document was distributed to task force members before the meeting and hard copies were distributed at the meeting as well. Lisa went over the document that MPC prepared, she noted that these recommendations could be changed by task force members may have alternative recommendations other than the three that were drafted by MPC.

Lisa stated that before a vote is taken on the recommendations she would like to have informal discussions about the recommendations. She began this discussion by asking staff how the sustainability group, hillside task force, and the update of the east county sector plan relate to one another, noting she sees them as inter-related. Mike Carberry responded by discussing East County Sector Plan and the pilot project of the French Broad River area. Mike highlighted the disparity in land values in different portions of the county. He discussed the possibility of keeping the TDR program sector based, meaning that the receiving areas and sending areas are within one sector, as one alternative. Mike discussed the work by the Hillside Task Force and how they are looking at many tools, including density bonuses to be allocated towards the bottom of ridges, purchase programs by Legacy Parks, and potential applicability of TDR for ridge top protection. Mike noted that a successful TDR program would likely mean using the lower end of the sector plan as a threshold in a receiving area to create a market for more development rights.

Lisa asked how the sustainability group is looking at giving developers added density bonuses. Mark Donaldson replied how all three of these efforts are tools to implement the policies in our comprehensive plan (General Plan) and Growth Policy Plan. Mark noted each can operate independently, or better yet they can work collaboratively to make sure the resources are protected that the community holds dear. All these are tools to direct development to where it makes sense. Lisa followed up by asking if Mark saw the density bonuses as being able to exceed the zoning or sector plan. Mark replied that there would be a cap on the density bonuses depending on the location. They are looking at added densities of only 20-30%. Mark replied there are thresholds set forth in the various plans. Lisa noted how these are difficult for people to understand and that there would be areas where neighborhoods would resist. Mark noted in most cases that 20-30% increase would not go above what policy allows at 5 du/acre. Mike highlighted there are areas that can handle added density at nodes.

Lisa concluded that is all she wanted to add and asked if anyone down the line has comments. Lisa asked if Victoria Defreese would like to go next, Victoria indicated she would like to pass at the present time.

Lisa asked if Bob Wolfenbarger would like to go ahead. Bob proceeded by saying he supports recommendation "A" and stated the reasons why he supports that recommendation: it is apparent that the horse is out of the barn, and there are other activities going on besides this group that allows development to be done in a different manner. Bob discussed that either citizen advocates need to be the ones that are developing policy and not staff, like MPC. He noted that policy should not vary on how sending and receiving areas are identified, saying need to be defined in the General Plan. Bob recommended that the next steps be taken for the development of the program and it be incorporated within the Growth Policy Plan which he believes in going to be updated soon and be incorporated within the General Plan which he assumed was going to be updated soon as well. Bob asked staff the timeframe for updating the General Plan. Mark replied that the plan was updated in 2003, but is a 30 plan. Mike Carberry commented that sections of the plan would be updated with such plans as those of the Hillside Task Force. Bob believes we need to get a head start on TDR and it could not be done quickly and there is a lot of leg work that would need to be done to get a program up and running.

Lynn Redmon complimented Mark Donaldson and staff for the report and thoroughness through the process, and especially the recommendations of the report, he continued, that they were presented thorough and not slanted one way or another. Lynn highlighted the importance of education and gave the example of metro government, where people need to be introduced to the subject to be more informed about it. Lynn stated that there would be extreme kick back by property owners if a recommendation to support this program were to go forward, even in areas like the French Broad, downzoning would be needed and this would get people fired up. Lynn noted that although a TDR program is voluntary, to be successful, we would have to drag everyone into a general rezoning. Lynn also highlighted that the group has met month after month and while it is not like going to planning school there are no specifics. There are lots of questions that would be

asked by the citizenry, like how much are the development rights. Also, Lynn highlighted the political resolve issue and reminding everyone that politicians follow their constituent's interests. While we learned a lot as task force members, he said, and continued there are a lot of details that would have to be fleshed out more. He stated there would need to be a multi-year educational component to this and it would involve educating our politicians. Lynn stated that he is not in favor of recommending a TDR program.

Jim McEvers remarked on how he was impressed with "Recommendations for Transfer of Development Rights Task Force" document. He went on to say how he thought Montgomery County, MD was a unique case. He questioned the political will in implementing this program and the cost of implementing this with hiring consultants, doing studies. He questioned where do we get the resources. He also stated how Farragut and the City of Knoxville are not a part of this task forces participation, but feels that they should be a part of it. Jim stated that he is in favor of options "B" or "C". He went on to say, would the costs justify establishing a TDR program? He questioned whether we have enough on our plate with trying to implement the hillside recommendations and the sustainability group's recommendations.

Daphne Hull stated that before us are three recommendations and she is supporting option "B". She stated that when we first started this she was in favor of it given her background as a realtor, but now with the housing demand slowing she doubts the timing more. We do not know if there is a market, there does not seem to be a need for this program at this point in time because there is not development pressure. She said she would be more comfortable if Knoxville and Farragut were in the loop.

Victoria noted that she enjoyed working with everyone and complimented staff for the work done with the task force. She went on to say how useful the website was and asked if MPC could develop an alert system via email when there is something new posted. At the end of the meeting Mark Donaldson responded that MPC has a presence on Facebook where you can join as a friend. She felt there have been positive outcomes of this process. She agreed that policies should not vary however there are tools that could be better utilized with the sector plans and there are other tools gleaned from staff presentation, namely Dr. Hillsman's USDA programs. In addition, the genesis of the task force was surrounding an issue that has diminished and the development pressure is not there. There is proof that we have the tools to conserve land, she said, all you have to do is look at the Cruze Farm as proof. If we were an area like Kentucky where agricultural preservation is so important to the economy that it would be more important, but we are late in the game here and there are strong stakeholders, it is the wrong time to move forward with a TDR program. The program would be contentious, she said, she is favoring option "C".

Lisa stated that she did not mention how she was leaning in her vote. She said she heard what everyone said and agrees with portions of remarks that have been stated by each member. She stated it is a beneficial program and it would be one tool in the tool kit. There are a lot of pitfalls that would have to be overcome. She said she would not

recommend options A, B, or C, but a hybrid. She agreed with Daphne there is not a market. She agreed with Jim that Knoxville and Farragut need to be included.

She stated that she agreed with Lynn that it would be costly effort. She mentioned that we should look into seeking a grant to help offset the cost burden. However, she disagreed with Lynn and said she felt the French Broad property owners would welcome a TDR program. She thought there would be more push back from people in receiving areas. She said the timing is good with the update of the East County Sector Plan. She agrees with Bob that we need to do the leg work now, and she is recommending a hybrid of option "A" where Knoxville and Farragut are brought into the process. She went on to say MPC should explore ways to fund further study. She also noted that citizens should be asked what they think of it, and that County Commission consider this as a tool.

Bob Wolfenbarger asked if TDR means necessarily changing the sector plan zoning. Mike Carberry clarified that the sector plan is the basis for policy decisions and does not change zoning. Mike discussed there could be a new agricultural zone. Bob mentioned how people got on board of what the receiving and sending areas are in East Knox County. Mike Carberry discussed how in the East County Sector Plan process we did not get into sending areas and receiving areas so, he is not sure too many people would be familiar with this concept. Bob went on to say there are other areas in Knox County that could be sending areas and went on to address resources, citing the example of the Cruze Farm (which cost \$500,000 to make it happen). We need to move forward. Bob discussed how there is no development pressure now and that could be a good time to develop such a program, since it will require time and leg work. Bob said we need to include Knoxville and Farragut as we move forward.

Lynn Redmon stated that we started this process backwards, preservation was not the driving factor. He was not confident that members of the task force could articulate the detailed benefits or how it would work to people, if asked to explain this further by citizens. The engine for this program is when a developer asks for more density and there is not a means to get it and asks how they could receive more density for their project. He believes that Commissioners are going to be very hesitant to get out ahead on this one. Lynn stated that option "B" is not a compromise.

Lynn made a motion to recommend option "C" and it was seconded by Victoria. Lisa called for a vote. The following people voted yes: Victoria, Lynn, and Jim. The following people voted no: Lisa, Bob, and Daphne. The motion failed.

Jim asked where would the resources come if this was to move forward. Lisa asked MPC to look into grant opportunities to get resources for developing a TDR program.

Victoria proposed that since there was a tie vote, we refrain for another month, give everyone an opportunity to submit a one page opinion letter and submit it to MPC to accompany a recommendation. MPC would prepare a report stating that task force is split.

Bob said that pursue (to him) means that Knoxville and Farragut are engaged in the process. Jim replied pursue (to him) is more concrete that it means to go ahead and implement the program.

Lynn made a motion to have MPC develop a report that shows the task force had a tie vote and have 30 days for each member to supply a one page paper of their individual viewpoint to be included in the report. The motion was seconded by Victoria. Lisa called for the vote and the people voting yes were Lynn and Victoria. The people voting no were Lisa, Bob, and Jim. The motion failed. Daphne left the meeting before this vote was taken.

Next Meeting:

The task force agreed to meet next time, possibly the 5th Monday of the month.

Adjournment:

The meeting was adjourned at 7:24.