

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

**Monday, March 30, 2009
Main Assembly Room
City County Building
400 West Main Street**

MINUTES

A. Call to Order

At 5:43 p.m. Lisa Starbuck called the meeting to order. The following Task Force members were present: Lisa Starbuck, Victoria Defreese, Bob Wolfenbarger, Daphne Hull, Lynn Redmon, and Chris Eppers. The following MPC staff was present: Mark Donaldson, Mike Carberry, Jeff Archer, and Liz Albertson. CTV was also there to tape the meeting.

Lisa stated the meeting agenda was to answer the ten previously prepared questions. Lisa stated that she did not get a chance to review the meeting minutes from the last meeting and will bring them before the Task Force at the next meeting. Lisa told the committee that John Schoonmaker will no longer be serving as a member of the Task Force. She explained that at the last County Commission meeting John was appointed to the Board of Zoning Appeals and in order to assure there is no appearance of a conflict of interest has elected to resign from the Task Force. Lisa asked MPC to follow up with the new member to distribute information to them. As a follow up from the last meeting, Lisa asked Lynn Redmon if he sent out a letter concerning the replacement for Kenny Phillips. Lynn responded by saying that the letter has been sent to the appropriate commissioners and hopes to have the replacement's name at the next meeting. Lisa asked the committee how they wanted to proceed with a format. Jeff Archer suggested going through the ten questions one at a time with each member giving their own answers, the committee proceeded in this manner.

B. Response to Questions

1. What is the preservation priority and where are the specific areas (sending areas)?

- *Prime/locally important farmland soils*
- *Existing farms*
- *Open Spaces*
- *Ridges*
- *Watershed areas*
- *Historical areas*

Lisa Starbuck: It is important to protect the assets while not impacting property values and property rights. The community must agree what the assets are. She went on to discuss the balance of property rights in relation to adopted regulations of a municipality. She stated the top priority should be ridges and the second priority should be farm land (especially for food production purposes). She stated there are other tools available for historic preservation and other resources that should be protected.

Victoria Defreese: She noted that the program should not be a mandated program. The community should be involved in determining the nature of sending areas and where they are specifically located. The process for determining sending areas, should be through voluntary efforts.

Bob Wolfenbarger: Referenced MPC's previous presentations and highlighted the importance of community benefits and does not view establishing a TDR program as a property rights issue. He stated we are "stewards" of the land which is a finite resource. He stated that the sending areas should include prime and locally important farmland soils, existing farms, open spaces, ridges, watershed areas, historic areas, and habitat areas. He went on to state how many of these characteristics are found in the same areas and they are not mutually independent.

Daphne Hull: We need to be the ones to identify sending areas and we should start by identifying and preserving existing farms, especially since there is not a big influx of new farms. There are other tools available to preserve the other resources, as Lisa stated.

Lynn Redmon: Ridges and farms do need to be preserved. He stated that we need to talk specifics and not generalities. He referenced a publication that was previously distributed to the Task Force, "What Makes Transfer of Development Rights Work?" he specifically highlighted the importance of land use regulations and down zoning.

Chris Eppers: Watersheds are the most important resource to be preserved and we need to ensure that we protect our historic resources so our heritage is not lost.

2. Where are the receiving areas and what form do they take?

- *Planned growth area*
- *Specific areas in the County*
- *Non-specific areas in the County*
- *Need to establish criteria*
- *Nodes*

Lisa Starbuck: Stated she thinks it's harder to identify receiving areas than sending areas. She stated there needs to be a market or a market needs to be created in a receiving area. She went on to ask herself, where in the county are people wanting potential receiving areas, noting possibly Corryton. She went on to question, if there is the infrastructure: are the neighborhoods willing to take the added density? Are there parts of the city that want more density? What would the impacts to the tax base be?

Victoria Defreese: She stated that she felt the death knoll to this proposal would be the creation of receiving areas. There would be uprising and revolt. These areas would need additional community facilities, such as new schools and parks. This is a component, she said, that is missing as is involvement of the city.

Bob Wolfenbarger: We need to identify receiving areas in the context of smart growth, areas that have infrastructure and areas that have been identified in the long range plan. The city needs to be involved in this process. We need to develop a comprehensive land use and transportation plan for the county. The receiving areas should be areas where people benefit from the added density through having walkable neighborhoods at nodes. As a community we would reduce energy cost. The receiving areas need to be identified in a new comprehensive plan.

Daphne Hull: Receiving areas need to be identified that can handle the growth and density. We need to start to identify the receiving areas.

Lynn Redmon: In identifying receiving areas we need to ensure there is demand for development within the area. The problem with identifying areas like Lonsdale is there is not development pressure. In fact, the city would bend over backwards to a developer that was willing to locate there through grants, and other financial incentives. The other areas of Knox County's non incorporated areas that have a tighter development pattern would not welcome added density, such as Harden Valley.

Chris Ethers: Identifying the receiving areas will be a hard sell. A lot of education needs to take place. He also said there is need to involve the City in such a program.

3. How does this growth management tool tie in with other land use plans?

- *Growth Policy Plan*
- *General Plan*
- *Sector Plans*

Lisa Starbuck: The sector plans could be a good tool for identifying future receiving/sending areas. A comprehensive land use plan would be useful in implementing a TDR program.

Victoria Defreese: We need to honor property rights, she pointed out. If the receiving areas and sending areas were not identified in the plans, the planning process would be further circumvented. Lisa followed up on Victoria's statement about property rights. Victoria elaborated by stating the community needs be engaged and there needs to be incentives for people to receive the added density in receiving areas.

Bob Wolfenbarger: A detailed long-term land use and transportation comprehensive plan is needed. Bob referenced a book called Landowners Options... and mentioned that he was going to get copies for all the members of the Task Force. He asked if MPC can distribute it to the members before the meeting, and MPC staff responded that they could do that. Bob highlighted the list of partners in the book. He went on to say that the problem with the Growth Policy Plan, General Plan, and Sector Plans is that they lack specifics, implementation sections, and generally could be stronger documents.

Daphne Hull: All the plans need to be used in conjunction with an established TDR program.

Lynn Redmon: Education is the most important issue in selling this program. Plans can address TDR, but it is going to be difficult to implement.

Chris Eppers: The existing process can be confusing with the various plans and policies. In establishing a TDR program, he said, it is important not to add to this confusion. It is going to be a hard sell.

4. Would it apply to only residential uses? Most programs across the country only apply to residential uses

- *Warrington Township, Pa., rights can be used to build higher coverage industrial and office facilities.*
- *Queen Anne's County, Md., rights can be used for additional floor space in commercial buildings.*

Lisa Starbuck: She said that she felt that in Knox County commercial might be a better alternative to address TDR. A TDR program should not exclude commercial.

Victoria Defreese: We do not need to decrease density of office/commercial. There is currently commercial blight in many parts of our community. The TDR program should not include government or quasi-government benefactors from participating in the program. Public purposes should not be allowed to partake of TDR programs, such as for park acquisition.

Bob Wolfenbarger: No, use incentives/disincentives for redevelopment/development. Bob disagreed with Victoria, there could be public purposes involved in the program. We need all partners at the table, protecting farms or revitalizing farms, he noted, are examples.

Daphne Hull: The TDR program should be developed with residential as the first phase then adding commercial uses. Adding both uses at first will be too large and would add to confusion.

Lynn Redmon: Stated he had the following concerns: what is the commercial need, most commercial projects are not seeking added density, and warned we are getting close to impact fees for government/quasi-government efforts in setting aside parks.

Chris Eppers: Residential uses are a better option for developers.

5. Should the zoning in the sending and receiving areas be changed to create more of an incentive for landowners to sell development rights?

Lisa Starbuck: Asked MPC staff for further clarification regarding the question. MPC staff described how some communities have down-zoned to create demand for the purchase of development rights. Lisa went on to describe how difficult this would be to carry out, but we should not take it off the table.

Victoria Defreese: Referenced a correspondence to the legal department about takings, and she stated she would forward it to MPC staff for distribution to the Task Force. She cautioned the Task Force about the potential takings aspect of TDR and said it could open the county up to possible litigation and stressed the need to consider this issue carefully.

Bob Wolfenbarger: Yes, he felt that this could be accomplished as long as there were proper, thorough community input and involvement with the stakeholders and with other interested partners.

Daphne Hull: Yes, this should be looked at as an incentive not a hard fast sell.

Lynn Redmon: To make the program work this item needs to be looked at.

Chris Ethers: Yes, down-zoning should be utilized if we are to have a successful TDR program. Let's not reinvent the wheel, if communities have utilized this tool on developing a successful program, let's do the same.

6. Is there enough growth pressure in these the "sending areas" to make the program successful?

Lisa Starbuck: She asked MPC for a clarification on where we stand on available land for development and how many years we have enough supply. Mark Donaldson replied that we have at least 13 years worth of land available, but recently we have fallen behind the development trend line. She went on to speak about how circumstances could change if areas were supplied infrastructure. Then, she noted that the areas would see an increased demand.

Victoria Defreese: It is up to the land owner, she opined, saying you have to ask the land owner. There are alternative resources available to protect assets, previously discussed.

Bob Wolfenbarger: All resources/assets are linked and are often found in the same areas. He went on to state that there was demand when the economy was doing better a few years ago. However, this downturn should not be looked at as an impediment for developing a TDR program since economic conditions fluctuate over time.

Daphne Hull: Previously there was development pressure, but not right now. There is not immediate urgency in developing getting the program up and running to save land from development that is about to occur.

Lynn Redmon: Adoption of the Growth Policy Plan was one of the greatest successes in Knoxville when it comes to planning. Lynn added there is not enough growth pressure in the receiving areas to make the program viable.

Chris Ethers: There is not enough growth pressure in these areas.

7. Should the county buy and sell development rights through a TDR bank or leave it to the private market?

8. What additional densities are allowed in the growth areas?

9. What is the pricing of the credits?

(Jeff Archer recommended that these questions be tabled for this meeting and could be addressed in the future when we get into more details about the mechanics the program. The committee accepted the recommendation and proceeded with answering question number ten.)

10. Is there a long term political commitment?

Lisa Starbuck: This program will be sticky to get adopted. However, we can look to the passing of the Growth Policy Plan and the politics associated with that as an example of how a political agreement could be reached. The political climate has been changing and it gives her more hope that it could be done.

Lisa Starbuck: Historically, there has not been support for such a program. There would need to be political consensus to implement such a program. She voiced her doubt about the political commitment.

Bob Wolfenbarger: There is not strong political commitment but he feels that is due to a misunderstanding of the program. Bob went on to give an example of how East Knoxville was fighting off the first Midway Rd. development when the Growth Policy Plan. The educational component of implementing a TDR needs to be discussed over month/years. People will become more comfortable with the issues the more they learn about it. Bob went on to explain the circumstance of why the Task Force was formed, noting that, it may be possible to build the political will.

Daphne Hull: There has to be a strong political will over time.

Lynn Redmon: We aren't specific; we all agree that certain resources should be saved but the test will be before County Commission.

Chris Ethers: Education is important for both the citizenry and politicians.

C. Closing/Discussion

Victoria mentioned that the development that brought out the formation of the Task Force is going to be before the MPC, under Benchmark Associates. Lisa asked MPC for next steps, Mark Donaldson recommended each member of the Task Force take their geographic area that they are representing and find one potential area and one potential receiving area in their geographic area. The Task Force agreed that they would do this before the next meeting and bring their findings to the next meeting. MPC staff offered to assist any members with the exercise, upon request.

D. Next Meeting

The next meeting was set for April 29th at 5:30 p.m.

E. Adjournment

The meeting was adjourned at approximately 7:52 p.m.