




WILLIAMSON COUNTY

Rogers C. Anderson, County Mayor
1320 West Main Street, Suite 125
Franklin, Tennessee 37064
(615) 790-5700, Fax (615) 790-5818

MEMORANDUM

TO: TACIR Panel

FROM: Rogers Anderson, Mayor 
Williamson County

DATE: August 21, 2013

GENERAL COMMENTS ON PUBLIC CHAPTER 1101

- Overall, Public Chapter (PC) 1101 has lent a great deal of **predictability** to annexations into the unincorporated County, such as is seen as an improvement over past practices. As the municipalities have now designated what their future boundaries might be, decision-makers in the unincorporated County can now make informed choices as to future land use and public infrastructure decisions. Moreover, it has provided the framework for closer cooperation with the municipalities.
- However, PC 1101 has a number of flaws. It is both **cumbersome to adopt and to amend**. For instance, in order for Williamson County to adopt its growth plan (or amend it in the future), a total of sixteen public hearings are mandated (i.e. two for the County, two each for the six municipalities and two by the Coordinating Committee). While this finding is particular to Williamson County's circumstances, a variation of this exists state-wide. Moreover, while this demonstrates a great deal of transparency, it arguably has furthered a reluctance to amend the growth boundaries that will likely become more and more apparent in the coming years as these plans age. The time, effort and expense of reconstituting the Steering Committee, developing proposals, taking those proposals to the county and municipal entities charged with their review/adoption and returning to the Coordinating Committee for final adoption has likely influenced communities to keep the existing growth plan(s) in place. Such is counter-intuitive to the basic nature of planning - the ability to respond to changing conditions in a prompt manner.
- PC 1101 failed to identify a uniform process to **establish the reasonableness of the areas devoted to growth boundaries**. One of the bills under consideration (SB 732/HB231) by TACIR speaks indirectly to this in that it seeks to restrict the ability for a municipality to add to their Urban Growth Boundary (UGB) via amendment until all the area within their UGB has been annexed. It has been our experience that several UGBs within Williamson County are quite sizable when considering projected growth and the

area necessary to accommodate that projected growth. However, due to changing conditions, the size of the available area is not so important as where the growth is being directed by market forces. In such cases, the UGBs are arguably so large as to make the standard put forth under SB732/HB231 unattainable. Again, was the amendment process more flexible, the need for such a proposal may not exist.

- PC 1101 failed to identify a means for cost-sharing. Currently, it is up to the respective counties to initiate the process, bear the costs of legal ads, and other related expenses. In the case of Williamson County, the cost of coordinating the mapping services and related printing cost were solely borne by the County. Logistically, this made a great deal of sense, but practically we lacked a legal method to sub-allocate these costs. Some form of per capita sharing is one alternative that could be considered.
- Closely tied to this reasonableness issue is that of **population projections**. Under PC 1101, “such projections shall be developed in conjunction with the University of Tennessee (TCA 6-58-106(a) (2)).” As it turned out, the population projections were something of a “take it or leave it” proposition at that time. The importance of the population projections were that they are arguably the most important factor in determining future land needs, thus driving the entire process. Sources other than the University of Tennessee should be considered for inclusion as a source for these projections.
- There are several **miscellaneous provisions** within PC 1101 that might be worth additional scrutiny. Those would include: 1) more clarity as to the meaning and /or intent of certain terms (e.g. “high density” and “low density”); 2) more clarity as to the role of “Rural Areas (RAs)” within the overall PC1101 framework; and 3) a procedure how to take into account the reasonableness of growth boundary within a municipality split by county lines.

SPECIFIC COMMENTS ON BILLS UNDER STUDY

- **SB 1316/HB1249** would prohibit the annexation of any land within a UGB zoned for “agricultural use” until there is a change in use triggered by a request for non-agricultural zoning designation or by sale of the territory for use other than agricultural purposes. This is something of a two prong test. In the case of unincorporated Williamson County, all properties are zoned to allow agricultural uses. Moreover, the County would not entertain the request for “non-agricultural zoning” that would occur as a part of the subsequent annexation. Finally, the criteria of the “sale of the territory for use other than agricultural purposes” introduce a degree of vagueness and subjectivity that are at odds with good practices and transparent enforcement of this provision.
- **SB1381/HB1319** would require notices be mailed ninety (90) days in advance to owners of property under consideration for annexation and that a minimum of three (3) informational meetings be held. While the transparency afforded by this proposed process is laudable, I would caution that the length of notice period and number of

informational meetings would seem excessive, particularly in the cases of small, “friendly” annexations. Further, given that these annexations are subject to public hearing(s) at both the Planning Commission and City Commission levels, the three informational meetings should be considered for reduction.

- **SB613/HB 1035** revises the procedure for amending growth plans. Once the Coordinating Committee is reconvened, each entity is limited to one (1) amendment, and no additional amendments may be considered by the Coordinating Committee until the overall amendment process is completed. While this approach might result in thoughtful, incremental amendments to growth plans, this should not be considered without first taking into account the cumbersome nature of the amendment process as it currently exists.
- **SB732/HB231** was discussed earlier in the context of the “reasonableness” of the growth boundaries. This legislation would place restrictions on the ability of a municipality to amend a growth plan until all areas within the existing growth plan have been annexed. In addition to the above comments, it could be added that given the collaborative nature of the establishment of any given growth boundary, it would seem that the local Coordinating Committee would be the appropriate body to determine whether a given request to expand one’s growth boundary is reasonable.
- **SB731/HB230 and SB869/HB590** require that future annexations within UGBs occur via referenda, with the former only requiring such on growth plans as they might be amended in the future. Part of the original rationale for PC 1101 was to provide notice where a given municipality might expand in the future. Perhaps the previous criticized “cumbersome” process for adopting/amending a county-wide growth plan has the sidebar benefit that the number of required meetings would make it difficult to argue that a given annexation was a surprise to the residents in the area. If SB869/HB590 is adopted, they would effectively end the practice of annexation by ordinance.

FINAL COMMENTS

PC 1101 can be characterized as any number of public chapters can be - while a number of flaws should be considered, it is the basic framework in which virtually all the counties of Tennessee must operate. Even minor amendments could result in a series of “cascading effects” that might be worse than the problems these amendments are intended to solve. A series of questions should be considered in this context:

1. Are the problems these bills are intended to address representative of state-wide concerns, or are they intended to address concerns more local in nature?
2. Given that a common thread is a seeming reluctance to accept annexation by ordinance as appropriate, is there a sentiment that all annexations should be accomplished via referenda?

3. Is there a state-wide concern that transparency throughout the PC 1101 is lacking, or is this an issue more local in nature?
4. Finally, given the age of most growth plans, is it possible that many of these perceived problems are a product of the fact that a number of plans (including Williamson County's) have been on the books for many years, and successive land-owners are only now learning of how these plans might affect the safe enjoyment of their properties?