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December 7, 2023

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ARTHUR G. SEYMOUR, JR.
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Mr. Glenn Jacobs
Knox County Mayor
City County Building
400 Main Street, Suite 615
Knoxville, TN 37902

Re: Proposed Revisions to the draft Growth Policy Plan

Mayor Jacobs,

We appreciate you speaking with the Home Builders Association of Greater Knoxville and addressing our concerns. We further appreciate your invitation to propose additional changes now that we have had an opportunity to understand some of the background information for this draft. Consequently, the Home Builders Association would like to propose the following changes and raise additional concerns with the language as drafted.

Place types Referenced in 4.2

The Homebuilders Association has significant concerns about referencing Rural Place types in Section 4.2 of the proposed amended Growth Policy Plan text without having a fully defined and fleshed out understanding of what will or will not be allowed by these referenced placetypes. Our concern is that by passing a Growth Policy Plan that refers to place types that have not been fully formed or adopted may endanger the enforceability of the entire text as being impermissibly vague. We believe these placetypes need to be further defined, including anticipated setbacks, lot sizes, and whether or not lots may be clustered in these placetypes.

Revised Language for 4.3

We had previously proposed revisions to the proposed language of 4.3. After our meeting, we would like to propose the following amendments to this paragraph:

4.3 Residential development in the rural area shall be limited to all of the following conditions: (a) no more than 2 dwelling units per acre; and (b) sanitary sewer, **or an equivalent private system**, and public water must be available; and (c) must be on road with **either** a minimum of 18ft of pavement, **or with a bonded development agreement in place to improve the road to 18ft or greater through the rural area to the**

adjacent Planned Growth or Urban Growth areas. The intent of this section is to allow residential development in the rural areas where utilities and infrastructure are currently available **or able to be expanded into the Rural Area.**

We think this language addresses the density concerns your office raised with us during our meeting, but also allows a builder to improve a road to minimum county standards to allow expansions of up to 2 units an acre in the Rural Area.

Vested Rights in Existing Densities:

I did reach out to Deputy Law Director Mike Moyers about our concerns with current densities that have previously been approved in the Rural Area of the Growth Policy Plan. I believe that Mr. Moyers agrees that to make any rights in current densities enforceable, that language would need to be included in the approved Growth Policy Plan. The Home Builders Association would suggest the following language be added to Section 4 of the proposed text:

4.5: Vested Rights in Existing Densities: As of the effective date of this plan, all previously approved planned residential densities in the Rural Area shall remain in effect and are subject to all plans, regulations, and/or conditions of their approval.

Future Review and Revision of the Growth Policy Plan:

Finally, the last proposed text of the Growth Policy Plan states: “The Growth Policy Plan should be updated or reviewed in concurrence with the Comprehensive Plan or as needed according to the guidelines in section 7 of Appendix C.” There doesn’t appear to be an Appendix C or a Section 7. Our concern is that this plan would be subject to legal challenge that the plan is void if there’s no provision for the review and amendment of the plan within the plan itself especially if the plan refers to provisions that do not exist. We believe that this language should be amended to provide a procedure for expansion of the Planned Growth or Rural Areas as infrastructure becomes available.

I appreciate your consideration of these revisions to the proposed amendments to the Growth Policy Plan. We look forward to discussing this matter with you further as this process continues.

Sincerely,

Benjamin C. Mullins (w/ permission) ^{by Michael Lee 40127}

Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:mlk

cc: Josh Sanderson (*via email only*)