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**MEMORANDUM**

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: October 14, 2010

SUBJECT: [The Knoxville-Knox County Hillside and Ridgetop Protection Plan](#) - 12-A-09-SAP

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**RECOMMENDATION: APPROVE**

MPC staff recommends that the planning commission adopt the Knoxville-Knox County Hillside and Ridgetop Protection Plan, which represents amendments to the General Plan and Sector Plans, and forward the plan to City Council and County Commission with recommendations for adoption in order to make the amendments operative. Attached are two resolutions, one for the City of Knoxville and one for Knox County, recommending adoption of the Knoxville-Knox County Hillside and Ridgetop Protection Plan.

**BACKGROUND**

The Joint City-County Task Force on Ridge, Slope and Hillside Development and Protection, supported by staff of the Knoxville-Knox County Metropolitan Planning Commission, prepared this plan. With adoption, it will be an element of the Knoxville Knox County General Plan, representing a set of proposals and policies to provide for protection of sensitive hillside and ridgetop areas of Knoxville-Knox County, while still allowing for development. The proposals and policies will apply to the Hillside and Ridgetop Protection Area, as demonstrated in this plan, replacing the presently delineated Slope Protection Areas in the sector plans.

**Public Participation:** The plan was compiled through extensive meetings with the Joint City-County Task Force on Ridge, Slope and Hillside Development and Protection, subcommittee meetings, nine community meetings, and surveys. The plan also responds to existing plans and policies recommending hillside protection in Knoxville and Knox County. Surveys were conducted to assess general public response to the principles and policies guiding plan development. Review of an earlier draft was made possible through two public meetings at New Harvest Park and Farragut High School, as well as on MPC's website.

**Policy Highlights:** In developing policies, the task force and MPC staff sought to achieve a balance between conservation and development on hillsides and ridges. Several policies are outlined to achieve hillside and ridgetop conservation while still allowing for development, including: (1) Encouraging development in the more level land areas to protect forest and water

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resources and our natural heritage; (2) a refinement of existing sector and general plan policies regarding density on the extremely steep slopes (those over 40 percent); (3) limitations on commercial (retail) development to slopes less than 15 percent, (4) allowances for medium density residential and office development on slopes 15 to 25 percent with guidelines for building size and parking provisions, and (5) the addition of land disturbance guidelines in hillside areas. The plan recommends that new zoning and use-on-review cases are the primary means to implement these policies. This continues the practice of the past decade to use those zoning districts that require site planning via use-on-review (such as the planned residential zones).

In the course of public meetings some participants inquired if the plan was to take the proposed hillside protection area "off the table" for development. This is not the case. The policies were developed to offer a means to foster hillside development that would not be harmful to environmental resources while protecting property rights; those were major guiding principles that were kept in mind collectively by the Task Force and staff in developing and refining the plan.

**Major Proposals:** The plan calls for several new tools that should be used in future conservation and development practices. Some of these have already been created in the task force process (such as draft subdivision standards that would reduce development impacts and cost of hillside development). In summary, they are:

- Conservation subdivision design to protect the steepest hillside areas and ridgetops while providing conservation easements
- Density bonuses for development in level areas of a parcels in exchange for conserving land
- Reduced road widths (26' to 20') and right of way standards to avoid slope cuts and additional runoff
- Reduced setbacks to encourage less land disturbance for infrastructure and building siting
- Reduced parking minimums and alternative offstreet parking designs
- Grade standards for driveways to provide for reasonable access, including emergency vehicles
- Development of a land disturbance permit process to reduce the amount of wholesale clearing in heavily forested hillsides and create a review process as part of stormwater management processes
- Recommended reforestation practices for scarred hillside lands and new slope cuts
- Encouragement of a public review process of new water tank and tower construction early on in the development process, and
- Opportunities for connections in and the protection of ridgetop lands through a recreational trail system (such as the work of the Legacy Parks Foundation with the Urban Wilderness Trail).

The Joint City-County Task Force on Ridge, Slope and Hillside Development and Protection voted (21-3) to approve the plan in October 2010.

**ADDENDUM**

Date: November 11, 2010

**Hillside and Ridge Protection Area:  
Summary of Recommended Land Use Policies**

*Introduction:* General and Sector Plan policies have fostered low density residential development on hillsides and ridges since the 1990s. The vast majority of rezoning cases have been for such uses, and planned residential zoning has been used as the basis of zoning decisions. The draft plan continues such policy with several refinements as outlined below.

**LOW DENSITY RESIDENTIAL**

- As seen in the following table, the recommended densities only change for slopes greater than 40% and ridgetops.

<b>Residential Density in Relation to Slope within the Hillside and Ridgetop Protection Area (Recommended Basis for Rezonings and Subdivision Design)</b>	
<i>Percent Slope</i>	<i>Low Density Residential in City, Urban Growth and Planned Growth Areas</i>
0-15	Knox County: Max = 5 du / 1 acre City of Knoxville: Max = 6 du / 1 acre
15-25	Max = 2 du / 1 acre
25-40	Max = 1 du / 2 acres
40-50	Max = 1 du / 4 acres (new)
50 or more	No development* (new)
Ridgetops**	Max = 1 du / 1 acre (new)

The effect of this prohibition on parcels in Knox County is minimal as only one parcel has more than 80 percent of its area on slopes in excess of 50 percent; namely, a 10 acre parcel on Porterfield Gap Road that has 97 percent of its area on slopes over 50 percent. There are several very small, vacant lots on Sharp's Ridge above Lonsdale, many of which have been chronically tax delinquent, and vacant mobile home lots on Beaver Ridge that have a majority of their area on slopes that are over 50 percent.

\*\* Ridgetops are generally the more level areas on the highest elevations of a ridge. Because the shapes of Knox County ridges are so varied (see pages 8 – 9 of the plan), the ridgetop area should be determined on a case-by-case basis with rezoning and related development proposals.

\*\*\* Also see the ridgetop development policies, pages 38 and 45 of the plan.

- The table's density schedule would be the basis for recommending overall new subdivision density under planned residential zoning.
- A density bonus provision is proposed to encourage site planning that conserves steeper, forested areas.
- Clearing standards are also introduced, fostering site design practices to conserve forests on steeper areas.

**AGRICULTURAL/RURAL RESIDENTIAL**

- Lower density (for example, one dwelling unit per 2 acres) is proposed for lots that are over 25%.

**Proposed Minimum Lot Size, Density and Clearing  
on Hillsides in the County's Agricultural-Zoned Areas  
(See also page 47 of the Plan)**

<i>Percent Slope</i>	<i>Minimum Lot Size*</i>	<i>Density</i>	<i>Maximum Clearing</i>
15-25	1 acre	1 du / acre	50%
25-40	2 acres	1 du / 2 acres	15%
40-50	4 acres	1 du / 4 acres	10%
50 +	No Development	None	None
Ridgetop and within 100 feet of ridgetop***	1 acre	1 du/acre	15%***

\*All minimum lot sizes must meet septic tank drain field requirements of Knox County Health Department; occasionally a larger size area may be required. Under state law a drain field may not be created on a slope greater than 50%

\*\*Only one parcel in the county is almost totally characterized by slopes over 50%

\*\*\*Also refer to the ridgetop development guidelines on pages 37 and 45 of the plan.

- Clearing limitations are proposed when land is used for housing rather than timber production or other forms of agriculture.
- A proposal is made whereby houses can be clustered on lots smaller than one acre in level areas, which maintains or would slightly increase the current allowable density on level portions of a parcel.

### **MEDIUM DENSITY RESIDENTIAL AND OFFICE USES**

- Siting structures on slopes of less than 15% (excluding ridgetops yet within or outside hillside protection area) is recommended (for example, at the toe of a ridge).
- Provisions for allowing taller buildings on those portions of a parcel outside the protection area is recommended, allowing density in areas best suited for development.
- For slopes of 15 to 25%, a limitation is building footprint size (5,000 square feet) is recommended by Task Force.
- Because of concerns brought forth by MPC Commissioners, MPC staff is presenting an alternative that recognizes the development potential between slopes closer to 15 % and those closer to 25 %. This is as follows:

*Allow consideration of medium density residential and office uses on slope of 15 to 25 percent with certain provisions to reduce the amount of site disturbance: 1) smaller setbacks should be considered to avoid slope cuts, and 2) these uses should only be considered when the building footprint does not exceed 5,000 square feet per one acre when the slope is closer to 15 percent and graduating to one 5,000 square foot building per 2 acres when the slope is closer to 25 percent. The number of buildings and their location would be addressed via use-on-review.*

- Clearing standards are also introduced, fostering site design practices to conserve forests on steeper areas.

### **COMMERCIAL USES**

- Recommendations revolve around siting such uses as retail on the level areas of a parcel outside the hillside protection area.
- Proposals are outlined to create options for reduced setbacks and minimal parking standards, allowing a greater portion of a more level area to be used for a building purpose, rather than expanses of parking that is not used.
- Task Force recommended no commercial development into the 15 or greater percent slopes of a protection area.

- Because of concerns brought forth by MPC Commissioners, MPC staff is presenting an alternative that recognizes the development potential between slopes closer to 15 % is different than those closer to 25 %. This is as follows:  
*Require slope restoration and reforestation of cut-and-fill areas within the 15 to 25 percent sloped areas to minimize the long term impact to water quality and lessen forest canopy loss in the hillside and ridgetop protection area.*

**EFFECT ON COMMERCIAL IN THE 15 TO 25 PERCENT AREA OF THE HRP**

**Zoning:**

- 43,424 acres of land within the HRP is sloped 15 to 25 percent.
- Of the 43,424 acres, 529 acres is zoned commercial and is vacant.
- 529 acres represents 1.2% of the land that is sloped 15 to 25 percent and is commercial and vacant.
- Of the total land area of in Knox County, 529 acres is .15% of the land area.

**Proposed Land Use (Sector Plans):**

- 95% of the land sloped 15 to 25 percent within the Sector Plans are proposed for low-intensity uses (Agriculture, Rural Residential and Low Density Residential).
- 43,424 acres of land within the HRP is sloped 15 to 25 percent.
- Of the 43,424 acres, 163 acres is proposed for commercial and is vacant.
- 163 acres represents .38% of the land that is sloped 15 to 25 percent and is proposed for commercial and is vacant.
- Of the total land area of in Knox County, 163 acres is .05% of the land area.

<b>15 to 25 Percent Analysis Regarding Plan</b>			
<b>Plan/Zone Category</b>	<b>Current Policy</b>	<b>Proposed Policy</b>	<b>Potential Effect</b>
<b>Commercial Zoning</b>	No site plan review; unless zoned as a Planned Development District in the City or PC in the County	No new commercial zoning recommended within the Hillside and Ridgetop Protection Area	No effect, unless zoned as a Planned Development District in the City or PC in the County; staff would recommend no new commercial structures in the HRP areas during site plan review
<b>Proposed Commercial (Sector Plans)</b>	Staff recommends planned commercial zones; which include site plan review (See: SLPA of Sector Plans)	No new commercial zoning recommended within the Hillside and Ridgetop Protection Area	163 acres of the vacant proposed commercial land sloped 15 to 25 percent within the HRP would be limited (.38% of the of the total vacant proposed commercial land sloped 15 to 25 percent); land outside of the HRP that is sloped 15 to 25 would have no limitations.
<b>Residential Zoning</b>	No site plan review; unless zoned as a Planned Development District in the City or PR in the County	No changes recommended	No effect
<b>Proposed Residential (Sector Plans)</b>	Staff recommends planned residential zones; which include site plan review (see: SLPA of Sector Plans) in both the City and the County	Staff recommends new density reductions for slopes 40 percent and greater	Approximately 82,000 new dwelling units could be accommodated (or 205,000 residents) within the vacant land proposed for residential uses within the City and County.

**KNOXVILLE-KNOX COUNTY  
METROPOLITAN PLANNING COMMISSION  
A RESOLUTION ADOPTING THE KNOXVILLE/KNOX COUNTY HILLSIDE AND RIDGETOP PROTECTION PLAN  
AND AMENDING THE KNOXVILLE/KNOX COUNTY GENERAL PLAN IN RELATION TO THE CITY OF  
KNOXVILLE**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make and adopt plans for the physical development of Knoxville and Knox County, including economic development, uses associated with trade and housing, conservation of agricultural and forest resources, and provisions of utilities and facilities for schools, parks and open space, transportation and other infrastructure; and

WHEREAS, Knoxville City Council and Knox County Commission requested that the Metropolitan Planning Commission assist in facilitating the development of recommendations for the Joint City-County Task Force on Ridge, Slope and Hillside Development and Protection; and

WHEREAS, the Metropolitan Planning Commission staff and Task Force prepared a background report and plan outlining community concerns regarding hillside and ridgetop development and protection and a plan to address these concerns through policies and proposals regarding land use, zoning, subdivision, building siting and stormwater control recommendations; and

WHEREAS, the staffs of the City of Knoxville, Knox County and Metropolitan Planning Commission have worked together to engage residents, the real estate community and neighborhood and environmental advocates in identifying issues and opportunities for protecting hillsides and ridgetops while still allowing for development; and

WHEREAS, the Joint-City Council Task Force on Ridge, Slope and Hillside Development and Protection and the Metropolitan Planning Commission staff prepared the Knoxville/Knox Hillside and Ridgetop Protection Plan, which takes into account the comments of citizens and city and county engineering departments, utility, fire and safety professionals and presented the plan concepts and draft through a series of public meetings and MPC's website; and

WHEREAS, the Joint-City Council Task Force on Ridge, Slope and Hillside Development and Protection has recommended the plan for adoption by the Planning Commission, City Council and County Commission; and

WHEREAS, the policies and concepts of the plan should be a guide for long-term hillside development and protection and recognized as an element of the Knoxville-Knox County General Plan and Sector Plans.

**NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:**

*SECTION 1: The Commission hereby adopts the Knoxville/Knox Hillside and Ridgetop Protection Plan, dated October 2010, and amendments to the General Plan and Sector Plans.*

*SECTION 2: The Planning Commission further recommends that the Knoxville City Council adopt and make operative the plan and corresponding General Plan and Sector Plan amendments for the incorporated portion of Knox County under its authority through passage by ordinance.*

*SECTION 3: This Resolution shall take effect upon its approval.*

\_\_\_\_\_  
Date

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_

**KNOXVILLE-KNOX COUNTY  
METROPOLITAN PLANNING COMMISSION  
A RESOLUTION ADOPTING THE KNOXVILLE/KNOX COUNTY HILLSIDE AND RIDGETOP PROTECTION PLAN  
AND AMENDING THE KNOXVILLE/KNOX COUNTY GENERAL PLAN IN RELATION TO THE  
UNINCORPORATED AREA OF KNOX COUNTY**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make and adopt plans for the physical development of Knoxville and Knox County, including economic development, uses associated with trade and housing, conservation of agricultural and forest resources, and provisions of utilities and facilities for schools, parks and open space, transportation and other infrastructure; and

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*SECTION 2: The Planning Commission further recommends that the Knox County Commission adopt and make operative the plan and corresponding General Plan and Sector Plan amendments for the unincorporated portion of Knox County under its authority by resolution.*

*SECTION 3: This Resolution shall take effect upon its approval.*

\_\_\_\_\_  
Date

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_

**From:** "rachel craig/jim hagerman" <hagerman@usit.net>  
**To:** "Robert Anders" <anders@holstongases.com>, "Ursula Bailey" <ubailey@esper.com>, "Laura Cole" <cole5137@bellsouth.net>, <artclancy3@gmail.com>, "Nate Kelly" <nathan.j.kelly@gmail.com>, "Rebecca Longmire" <rebeccalongmire@hotmail.com>, "George Ewart" <gewart@georgeewart.com>, "Wes Stowers" <WStowers@stowerscat.com>, "Stan Johnson" <s.johnson692@gmail.com>, <brianpierce@mbiarch.com>, "Michael Kane" <makane1@bellsouth.net>, "Bart Carey" <bartcarey@comcast.net>  
**Date:** 11/26/2010 2:56:28 PM  
**Subject:** FW: Hilltop/Ridgetop Plan

Fellow Commissioners,

I don not know Mr. Agle nor why he sent this to me, but I felt I should share it with the rest of you.

Rachel

-----Original Message-----

From: cjagle@bellsouth.net [mailto:cjagle@bellsouth.net]  
Sent: Friday, November 26, 2010 9:25 AM  
To: 'rachel craig/jim hagerman'  
Subject: Hilltop/Ridgetop Plan

I have been an Oak Ridge Planning Comissioner since 1998. When we had a developer shear a ridge top (Pine Ridge) we put in a optional steep terrain development code in our zoning codes that allowed more intense deveopment on the flatter areas while setting aside the steeper areas so they would not be developed.

No developer has ever taken avantage of the option. The drive to have single family homes with each house on its own plot of land, no matter how steep or challenging the building site, is what everyone seems to go with.

So a hilltop/ridgetop plan that is not mandatory is worthless because the developers will not use it.

I am a strong conservative. Our family has a farming operation that we have commercially operated for more than 100 years. I like to take the long term



viewpoint. In my opinion, in our development codes, we do not have enough respect for drainage areas, flood planes, storm water flows, and karst development in steep terrain situations where the natural drainage channels are disturbed. Sure you can flatten building sites and put up homes that last ten years. But then the natural drainage channels reassert themselves and the foundations start to fail. In Oak Ridge we have had the misfortune to allow several developers to create home building sites that will not be stable in the long term.

The conservatives that do not support sustainable development are not true conservatives.

Chuck Agle

**CC:** <mark.donaldson@knoxmpc.org>



October 12, 2010

Liz Albertson  
Knoxville-Knox County Metropolitan Planning Commission  
Comprehensive Planning  
Sector Plans and Environmental Resources  
Suite 403, City/County Building  
400 Main Street  
Knoxville, Tennessee 37902

Dear Ms. Albertson:

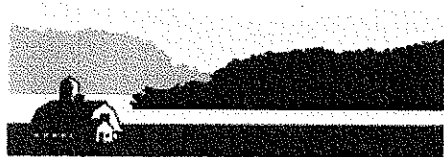
Ms. Albertson,

On behalf of the City of Knoxville Tree Board, I would like to extend our support for the Knoxville-Knox County Hillside and Ridgetop Protection Plan. We are pleased that it has been developed in such a way as to allow the input of many different community interests and also embrace sustainable development goals that will benefit Knox County. As stated in the plan, urban trees and forests are significant natural resources that promise to increase in public policy importance in the coming years, and Knox County's scenic wooded ridgetops and rolling topography are unique assets that contribute greatly toward a healthy environment and our quality of life. The opportunity for Knox County to adopt this forward-thinking plan is welcomed by the Tree Board in our work to expand awareness and promote sound management strategies for our community's tree canopy.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Davis".

Kim Davis  
Chair, Knoxville Tree Board



7009 Thorn Grove Pike - Knoxville TN 37914

www.frenchbroadpres.org

**FRENCH BROAD**  
PRESERVATION ASSOCIATION

October 11, 2010

Board of Directors

Vicki Baumgartner

Michelle Breeden

Grace Brooks

Elaine Clark

Jami Cox

Cheri Cruze

Martha Johnson

Dale Lutten

Sam Maynard

Ed McAllister

John Springer

Jim Spriell

Hillside and Ridgetop Task Force,

The French Broad Preservation Association is pleased to hear about your work on the task force over the last two years. Our organization has been supportive on the mission of the task force from the beginning.

As we understand, the task force has approved the draft plan and has given the authority to move the plan forward through our representative governing bodies.

The FBPA extends its support of this plan to the task force. Please use this support to help in securing our governing bodies to approve the plan and move it closer to implementation.

We sincerely appreciate all the members of the task force time on this important tool for future guidance in Knox County's growth.

Respectfully,

French Broad Preservation Association Board of Directors

**From:** Liz Albertson  
**To:** Mike Carberry  
**Date:** 10/7/2010 3:23:29 PM  
**Subject:** Fwd: mpc meeting

>> tony norman <tnormanwhs@yahoo.com> 10/07 3:21 PM >>>

MPC Commissioners,

On your agenda next week will be an item for your consideration from the Hillside and Ridgetop Conservation Committee. Of course the work of this Committee was requested by City Council and County Commission over 2 years ago. The purpose of this correspondence is to apologize in advance for Joe Hultquist and myself not being at your meeting. Joe is in Switzerland with his 92 year old mother and I am taking the only opportunity for my family to have vacation together in over a year due to cancer (not mine).

Nevertheless, we know how important your review of this plan document is and hope our absence will not diminish the amazing work of your staff and our committee. Thank you for your consideration and your service to our community.

Regards,

Tony Norman

Knox County Commission 3rd District

**CC:** Betty Jo Mahan



October 8, 2010

**Harvey Broome Group, TN Chapter  
Robin Hill, Chair  
11504 Mountain View Road  
Knoxville, TN 37922**

**Knoxville/Knox County Metropolitan Planning Commission  
Suite 403, City/County Building  
400 Main Street  
Knoxville, Tennessee 37902**

Hillside and Ridgetop Protection Plan Draft (revised September, 2010)

Dear Commissioners:

The Harvey Broome Group, Tennessee Chapter of the Sierra Club welcomes the opportunity to provide comments on the subject draft plan on behalf of our 1,100 members residing in the Knox County area.

We wish to commend the members of the Task Force for their dedication and efforts in drafting this plan in what was undoubtedly a lengthy and sometimes contentious process.

We believe the plan is a good first step towards assuring the preservation and protection of some of the last remaining green spaces in Knoxville and Knox County. However, we believe it is only a first step, and hope and expect that in the future the City's and County's hillsides and ridgetops will receive more comprehensive and effective protection.

The following comments apply to both the City of Knoxville and Knox County, although reference will be made only to Knox County for the sake of brevity.

As you know, Knox County lies in the Ridge and Valley Province bioregion of Tennessee. Because of the generally favorable soils and topography this region has historically been heavily exploited for its resources and for human developments. As a consequence, the originally rich and diverse fauna and flora of the region has been for the most part removed or destroyed. Those remaining representatives of our original biodiversity are primarily located on sites too difficult or expensive to develop, such as hillsides and ridgetops. As the plan points out, 50-60% of the forested land in Knox County is located on hillsides and ridgetops, while over the last twenty years almost 30,000 acres of forested land have been lost to development. Forested land provides not only protection for water quality and improved air quality, it is essential habitat for

most of our native plants and animals. If one defines a hillside as land with a slope over 15%, as the plan seems to, then only about 30% of the land in Knox County is considered to be hillside. Only about 14% of the land exceeds 25% in slope. Given the value of this sloping land in its natural state, both to its non-human inhabitants and to the residents of the county for the ecological and recreational services it currently provides and could potentially provide, it seems only commonsensical to us to find a way to preserve the ecological functions of the county's hillsides and ridgelines.

The way to do that is to keep the land from being developed. Period. We understand fully that most of this land is privately owned, and that government or the community has very limited abilities to restrict the rights of private property owners. That said, we suggest the city and county expand on the concept of urban wilderness being currently promoted on the south side of the Tennessee River by linking Forts Stanley, Dickerson, and Higley with a system of trails, greenways, and sidewalks in a natural setting. We agree with the recommendation to implement a system of ridge conservation corridors across the county as shown on the map on page 54 of the plan, but believe that map does not fully reflect the potential for corridors as shown on the map of forested slopes on page 2 of the plan. We also believe insufficient emphasis on the concept and potential benefits of a conservation corridor system is made by the plan. The analysis of Knox County's land use and the benefits to the community of preserving the hillsides and ridgelines presents a unique opportunity to bring before the county's and city's residents a vision of what this area could be if the public and private sectors work together to craft and implement a positive goal of a vibrant, healthy, environment for both its native life forms and people.

To this end, we strongly endorse the implementing mechanisms set forth on page 55 of the plan, which include both private donations and public funding to acquire for public use and enjoyment a sufficient amount of the remaining natural areas in the county to effectively preserve the ecological functions and communities of the county and to provide for its people means to have meaningful experiences in nature without having to travel for hours to state or national parks or national forests. We recommend and ask that the plan provide more emphasis and more specifics on "Implementing Public and Quasi-Public Corridor Efforts." This should be something that appears with emphasis in the preface and nearer to page 1 of the report instead of being buried on the last page. We further recommend the establishment of a follow-on task force to work on mechanisms and governance processes for establishing the desired corridors.

Sincerely,

Axel C. Ringe, Conservation Chair  
Harvey Broome Group  
Tennessee Chapter Sierra Club

cc: County Mayor Tim Burchett  
Knoxville Mayor Bill Haslam



10511 Hardin Valley Road, Knoxville, TN 37932  
Phone: (865) 693-9800, Fax: (865) 693-3652

October 6, 2010

**Knox County Metropolitan Planning Commission**  
**Attn: Liz Albertson**  
**400 Main Street**  
**Knoxville, TN 37902**

**Subject: Hillside Protection Plan**

Dear Ms. Albertson:

We applaud your consideration of some plan to save our hillsides. We agree that the rolling terrain of East TN is one of the region's unique features. It is imperative that the appropriate regulations and ordinances be in place to preserve the hills. In creating the policies and regulations regarding the appropriate uses of hillside properties, there must be a balance to consider all issues involved before finalizing such regulations and policies.

I would like to point out the following for your consideration:

- 1. *Properly Define Properties Subject to Hillside Ruling*** – There must be a very thorough, rigorous, and precise definition of which hillside should be appropriately protected. For example, if there is a steep hill on a property, but this hill is only 200 feet long and 50 feet wide, should it be considered for protection? What if the slope is 10:1 and it is only 100 feet long x 10 feet wide and the height is 50 feet from the base, should it be considered for protection? Thus, it is essential that there be a rigorous and unambiguous definition of which hillside properties qualify for protection.
- 2. *Consider the Use of Nearby and Adjacent Properties*** – For example, if a hill with a steep slope is close to a neighborhood where people can hurt themselves, the beauty of the hill/ravine is important, but so is the safety to users. So, beauty alone is not enough: one must consider other factors such as safety and other considerations that are related to its location and its use.
- 3. *Consider the rights of Private Property Owners*** – Some private owners of properties acquired properties for development years ago and made investments in these, including properties that may have "protectable" hillsides in them. The new regulations must consider the rights of these property owners, not just the desire to keep everything pristine.

4. *Consider Alternatives and Tradeoffs* – There should be alternatives in cases that a hillside portion of a property can no longer be developed due to hillside regulations. One alternative is to set aside some other piece of land as a replacement for a hillside that is used for a project. Another alternative is to require that restoration work be carried out (e.g., landscaping or planting vegetation for removed trees) as part of a project development to replace hillsides that have been modified.

5. *Balance Land/Hillside Use Vs. Pristine Looks* – This is one of the most important and contentious part of any new law or regulation. Litigations are time consuming, very expensive and can delay projects, which will not benefit anyone. Unfortunately, advocates and opponents are very vocal in their arguments for or against a hillside ruling or policy or project, and it is difficult for regulators and policy makers to strike the right balance. This is the reason that various viewpoints must be heard and considered before such a ruling is enacted.

6. *Give Sufficient Time to Develop the Hillside Policy Before Implementation* – This will be a very significant ruling that will affect the environment and project developers in a major way. There must be sufficient time for the public to provide input and comments before enactment and implementation of the ruling.

Please consider this letter as one of many inputs to be included in your deliberations. I will be happy to discuss with you or your committee these comments.

Sincerely yours,

**Orlino C. Baldonado, PhD**  
President, The EC Corporation  
865/693-9800  
[orlino@eccorporation.com](mailto:orlino@eccorporation.com)



DEC 1 2010

November 30, 2010

Mark Donaldson  
MPC Executive Director  
Suite 403, City/County Building  
400 Main Street  
Knoxville, TN 37902

Dear Mark:

In reference to the proposed Hillside and Ridgetop Protection Plan, I would like to respectfully suggest that, in its efforts to control development on slopes and ridges, MPC consider the impact on economic growth as it seeks to impose additional restrictions on property owners.

As a regional economic development marketing organization that promotes the numerous assets of our area, including a business friendly environment, to prospective companies, ETEDA considers it imperative that Knox County not send a message that could be viewed as too restrictive either to new companies considering a location to our area or for those that may want to expand locally.

As an example that was recently addressed by County Commission, if the Hillside and Ridgetop Protection Plan had been in effect as proposed, it could have prevented the Parkwest Medical Center from purchasing adjacent property for future expansion and potential job creation.

MPC is to be commended for its efforts to protect our environment, but it should always act with caution as it strives to find the balance between proposing regulations that allows for quality development without preventing it.

We appreciate your consideration of the impact of these restrictions on the economic growth of Knox County and our region.

Best regards,



Allen Neel