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RE: Blount County Comprehensive Growth Plan
Dispute Resolution Process Docket No. 46.00-011652J

Dear Parties:

Attached please find the Panel's Revised Non-Binding Plan. We look forward to hearing from you.

The Department of State is an equal opportunity, equal access, affirmative action employer.

Sincerely,



Mattielyn B. Williams
Administrative Judge
For the Hearing Panel

cc: Administrative Judge John Hicks, Team Leader
Administrative Judge J. Randall LaFevor

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**SECOND PROPOSED RESOLUTION OF
BLOUNT COUNTY GROWTH PLAN DISPUTES
APD DOCKET # 46.00-011652J**

The following is a proposal offered by a panel of three Administrative Judges from the Secretary of State's Administrative Procedures Division, for consideration by the governing bodies of Blount County and the cities of Alcoa, Friendsville, Louisville, Maryville, Rockford and Townsend. The panel held mediation sessions with the parties on March 5, 2001; April 2, 2001; and April 27, 2001. After the third mediation session, an impasse was declared when the parties announced that they were unable to agree on the tentative proposal because some parties had no authority to negotiate further. Upon declaration of an impasse, the panel is required by law to propose a non-binding resolution of the remaining issues. The panel issued its first proposed resolution on May 14, 2001. A meeting was subsequently held with the parties on May 24, 2001, to discuss their response to the first proposal. After full consideration of the May 24 discussions, and the parties' written follow-up comments, the panel now issues its second non-binding proposal. As provided by TCA 6-58-104, the panel's proposed non-binding resolution addresses only those issues not previously resolved.

The primary information used to complete this non-binding resolution are the Urban Growth Plan adopted by the Blount County Growth Policy Coordinating Committee, the parties' written documents and maps that reflect agreements reached during mediation, and the discussions of issues during the four mediation sessions. For the municipalities that reached tentative agreements, this proposal merely incorporated their agreements. Issues remaining after the fourth mediation session are addressed in this second proposed resolution. The panel was sensitive to the parties' two year planning process, the legitimate concerns of the parties expressed during the mediation sessions and the legal requirements of TCA 6-58-101, et seq.

FRIENDSVILLE: Following the fourth mediation session, the documents submitted on May 2, 2001 by Friendsville and Blount County demonstrate that the parties agree on the Urban Growth Boundary for Friendsville. All other municipalities agreed to Friendsville's proposed Urban Growth Boundary.

Exhibit 1 – Map and Description – Friendsville¹
Exhibit 7 – Map and Description – Blount County

ROCKFORD: Following the fourth mediation session, the documents submitted on May 2, 2001 by Rockford and Blount County demonstrate that the parties agree on the Urban Growth Boundary for Rockford. All other municipalities agreed to Rockford proposed Urban Growth Boundary.

Exhibit 2 – Map and Description – Rockford
Exhibit 7 – Map and Description – Blount County

LOUISVILLE: Following the fourth mediation session, the documents submitted on May 2, 2001 by Louisville and Blount County demonstrate that the parties agree on the Urban Growth Boundary for Louisville. All other municipalities agreed to Louisville's proposed Urban Growth Boundary.

Exhibit 3 – Map and Description – Louisville
Exhibit 7 – Map and Description – Blount County

TOWNSEND: During the fourth mediation session, on May 24, 2001, the representatives of Townsend and Blount County agreed upon a mediated Urban Growth Boundary for Townsend. Without objection, that agreement is incorporated as a part of this proposed resolution.

Exhibit 10 – Map & Description – Townsend (Counsel for Townsend will file these documents with the panel and provide copies to the parties as soon as they are available.)

¹ Exhibits 1-7 refer to documents and maps filed by the parties on May 2, 2001, which are already in the possession of all parties. Exhibit 8 was attached to the first non-binding proposal. Exhibit 9 is the Urban Growth Boundary Proposal map adopted by the Blount County Growth Policy Coordinating Committee. Exhibit 10 is the description of the Townsend Urban Growth Boundary agreed to during the May 24, 2001 meeting.

MARYVILLE: The May 14, 2001 non-binding proposal recommended approval of the Maryville Urban Growth Boundary submitted by the Blount County Growth Policy Coordinating Committee. This second proposal recommends the approval of the May 14, 2001 non-binding proposal with one minor amendment. Based on statements made by the parties during the May 24 meeting and subsequently-filed documents, the panel is persuaded that the Little River, which flows along the northeastern edge of the city's UGB, should be included in the county's Planned Growth Area, rather than Maryville's Urban Growth Boundary. The panel therefore proposes that Maryville's UGB in that area be amended to reflect a boundary parallel to the river, 500 feet from the stream center, on Maryville's side of the river.

Exhibit 4 - Map and Description - Maryville

ALCOA: Two areas of concern for Alcoa's UGB were expressed in response to the May 14, 2001 proposal; the area of the Alcoa UGB, and inclusion of the airport in the Alcoa UGB. After consideration of the May 24, 2001 mediation session, the panel proposes the following clarifications.

First, to be consistent with the treatment of the river along Maryville's boundary, the panel proposes that that portion of the Alcoa UGB bordering the Little River be drawn parallel to the river, 500 feet from the river's center, on Alcoa's side of the river.

Second, the panel the panel finds that Alcoa's May 2 documents and their May 29 letter provide compelling and reasoned justification to include the airport in the proposed Alcoa Urban Growth Boundary. During the mediation process, the county and Alcoa developed a proposal to resolve the airport dispute. That proposal is included in a March 29, 2001 memorandum from Alcoa, addressed to officers of the county government. The panel finds that the March 29 Memorandum (excluding paragraphs 3,4&5 of that Memorandum) offers a fair and reasonable accommodation to both Alcoa's and the county's concerns. (The panel is concerned over the length of the combined "hold harmless" and "phase-out" periods. The panel finds the parties' agreement to the 30-year

period to be reasonable at the present time. However, if the parties do not accept this non-binding proposal, and this matter proceeds to a full hearing, all issues related to the terms of that memorandum would be subject to reconsideration.) For the purpose of this Proposed Resolution, the panel proposes the adoption of the terms contained in the March 29, 2001 Memorandum, Paragraphs 1,2,6,7 & 8. (Exhibit 8).

Exhibit 5 -- Map and Description -- Alcoa

Exhibit 8 -- March 29, 2001 Memorandum

Exhibit 9 -- Coordinating Committee's Proposal

BLOUNT COUNTY: In response to the panel's first letter to the parties, Blount County filed a map labeled "*County Alternative for Growth Plan*," in which it designated proposed County Planned Growth Areas ("PGA") and Rural Areas ("RA"). As a result of agreements reached during the mediation process, and Urban Growth Boundaries subsequently proposed by the panel, most, if not all, of the county's proposed PGA has been absorbed into the cities' Urban Growth Boundaries. The panel does not believe that it has sufficient information from which to create a new PGA and RA without further input from the county. The panel therefore requests that Blount County provide the panel with a new map and/or description outlining its suggestions for areas to be designated as Planned Growth Areas and Rural Areas consistent with the UGB's designated in this proposal.

Exhibit 7 -- Map and Description -- Blount County