

PLANNING COMMISSIONS, SMART GROWTH AND LAND USE

PART 2

By Kelleigh Nelson
September 24, 2012
NewsWithViews.com

"The inherent vice of Capitalism is the unequal sharing of its blessings; the inherent vice of Socialism is the equal sharing of its miseries." -- Winston Churchill

"The issue today is the same as it has been throughout all history, whether man shall be allowed to govern himself or be ruled by a small elite." --Thomas Jefferson

While most Americans go about their busy lives and focus on being entertained by an endless stream of college football games and new fall programs on TV, our freedoms and rights are disappearing at an exponential rate. [As I described in Part 1](#) of this article, we have a two-pronged attack on our property rights.

[Rosa Koire](#), author of [Behind the Green Mask](#) describes one prong, "What Smart Growth is and what United Nations Agenda 21 Sustainable Development does is instates [Communitarian Law](#), which says that the individual's rights are subsumed by or balanced with the rights of the "community." Those rights are not delineated, they're not written, and they can change at any time, or even be taken away. What you're being told is that this is for our own good, and for the good of the community. It's a stealth plan, people don't know about it. In fact, when you're invited to come down and give your opinion on what that new plan is (like our Plan ET) for the remaking of your city center, it's a [Delphi Technique](#) meeting where you're being tricked, or manipulated into thinking your point of view is actually desired by your city or county. In fact, the plan has a pre-determined outcome. The plan was already completed before you even came in the room. All that's needed is so-called community buy in, because they want to be able to say the community vetted it, looked at it, approved it, and this is your plan."

The second prong also includes the city or county planning commission which institutes changes in codes and zoning, annexes property into areas to be "protected," and works to facilitate plans which restrict development of land such as [Conservation Trusts](#). If the city or county is a member of ICLEI, then it is very easy for the planning commission to have approval from the city council or county commission members.

Many will deny that **our property rights are under attack** regardless of the proof surrounding us in our local city and county governments. The planning commissions in every town in America have similar projects as our Smart Growth [Hillside/Ridgetop Protection Plan](#). This plan effectively stops a great percentage of development, which is one of the core features of UN Agenda 21. The people will be herded into the high rise stack-em and pack-em's in the city and the undeveloped rural and suburban lands will be turned over to the dinosaurs once again.

Knoxville's Smart Growth Hillside/Ridgetop Protection Plan

The creation of this so-called plan was made possible through a grant from: The Tennessee Department of Agriculture, Division of Forestry and the US Department of Agriculture, Forest Service. The funds come from our tax dollars through "stimulus" monies from the federal government. This plan was adopted by the [Knoxville-Knox County Metropolitan Planning Commission](#) on December 9, 2010. It is nothing more than a restriction on development in both the City and County of Knoxville.

As I explained in [Part 1](#), when Bill Haslam was Mayor of the City of Knoxville, he hired his former Democratic opponent, environmental extremist, Madeline Rogero, as Director of Community Development. While in this position, she applied for the Smart Growth federal grant from Housing and Urban Development (HUD). The grant gave the City of Knoxville \$4.3 million and another \$2.5 million came from non-profits. The City of Knoxville is now a member of ICLEI (International Council for Local Environmental Initiatives). The ICLEI name has been changed to *Local Governments for Sustainability*. Madeline Rogero is now mayor of the City of Knoxville, and as such, she is a strong proponent of Smart Growth's Plan ET and the Hillside/Ridgetop Protection Plan.

The HS/RT Plan was also [adopted by the county](#), but with an amendment making this plan "advisory." The [amendment](#) was added by Commissioner Briggs and passed by a vote of 8 to 3. Unfortunately, the MPC doesn't wish to abide by the amendment. They are actually choosing to fully ignore it. [Here is a summary of the plan](#).

In 2007, a 30-member Task Force was formed by then City Councilman, Joe Hultquist and County Commissioner Tony Norman, who happens to be my Commissioner. They allegedly brought together developers, conservationists, neighborhood activists, engineers, and others

with a vested interest in land use and property rights. After two years of meetings and public hearings—some of them famously contentious—the task force produced a 76-page report. It recommended new standards for what can be built on hillsides and ridge tops, and how the building should be done.

As I mentioned in [Part 1](#), the Smoky Mountain area is very hilly. The plan proposed a Hillside and Ridge top Protection Area made up of property across the county of at least five acres in size and a grade of **15 percent or greater**. (It would also include flatter property on ridge tops.) But the National Green average grade is 22 percent or greater, yet the Task Force has gone even lower! Here are the [progressive maps](#) showing the evolution of the HS/RT Protection Plan and affected land. The first map is a 40% slope on ridge tops only, the second is a map showing a 30% or greater slope, and the third map shows a 15% or greater slope. For an area like ours, this plan almost totally restricts development in the County. Also check out the maps on the website of the [Hillside/Ridgetop Protection Plan!](#)

How Much Land is Affected

To show how much land (acreage) the County of Knoxville would be unable to develop, here is the Vacant Land Analysis of Knox County, Tennessee according to the Knox County Property Assessor in 2011 and the Knoxville-Knox County MPC in 2012:

Location	Total Land Area	Vacant Land
Knoxville	66,669	9,334
Farragut	10,380	3,138
County*	259,534	142,626
County Total	336,582	155,098

*(excluding Knoxville and Farragut)

Starting at a 15 degree slope, the restrictions are as follows:

15%-25% Slope: 2 units per acre
25%-40% Slope: 1 unit per 2 acres
40%-50% Slope: 1 unit per 4 acres
50% Slope: No development

Then [check this link](#) for the percentage of vacant land inside and outside HS/RT.

The City has a very small portion of undeveloped land, (approximately seven percent) as does Farragut, but the County would really be hindered. Approximately 60 percent of the land in the County is undeveloped property, and with restrictions on 15% or greater slope, this would affect nearly all of the undeveloped property. It also decreases the value of the property for the owners.

Our County Mayor, Tim Burchett, is against the plan. Here's what he said, *"The HS/RT Protection Plan lays the foundation for bad public policy, and it is my hope that Knox County Commission votes to reject it. It is in fact a roadmap for the significant erosion of the rights of thousands of Knox County property owners. In this difficult economy, government should not put in place new bureaucratic roadblocks that further restrict economic development. From both a philosophical and practical standpoint, I oppose this plan. In addition, few property owners know the exact slope of every hill on their property. **The Metropolitan Planning Commission, however, has the full list of affected property owners**, and I believe it is their responsibility to directly notify these Knox County taxpayers about this plan. On February 8, I sent a letter to MPC encouraging them to do just that. Unfortunately, they chose to ignore this advice. Citizens deserve a legitimate opportunity to voice their opinions of this plan.*

"If Commission approves this plan Monday, tens of thousands of taxpayers will wake up Tuesday not knowing whether their property is affected. I hope this does not happen." [[Link](#)]

This is, of course, part of UN Agenda 21's Smart Growth plan.

The Goal is Control

[Under "goals" in the Growth Plan on the MPC website](#), is this statement, *"Encourage a pattern of compact and contiguous development to be guided into urban areas and planned growth areas."* That, my friends, is Smart Growth!

Here's a nasty little caveat to all this development restriction. If a planned hillside subdivision sets aside some of its higher ground as **"shared community green space,"** the developers could have a higher density of construction in the lower parts of the project than would otherwise be allowed. Also, if developers give land as **"conservation easements,"** they have a greater opportunity of getting their development plans approved. Isn't that special, just a little blackmail for the land! This conservation and environmental crap they feed us is just that! This is all about money and control.

The same thing is going on in Memphis, Tennessee. Our Governor, through his bagmen in the Senate and House tried to codify their illegal activities of bypassing the Clean Water Act and the State of Tennessee water laws. The Norfolk Southern intermodal rail yard development will net the Governor's family \$25 to \$40 Million a year in diesel sales, but all kinds of conservation laws were broken. [\[Link\]](#)

With MPC's ability of rezoning, undeveloped private property in the HS/RT protection area can be restricted from development as a protected area accessible to the public for future use as greenway extensions or trails. The property owner, however, is responsible for upkeep, cannot sell the property, and must still pay the taxes.

As you can see, the two-pronged effort of Plan ET and HS/RT Protection Plan effectively destroys our God-given and Constitutionally protected private property rights.

First Approved Zoning Under HS/RT Protection Plan

Remember, the City of Knoxville has approved and fully passed the HS/RT Protection Plan. Here is what has recently happened to privately owned land annexed by the City.

From an MPC News Release on June 26, 2012:

On June 12, 2012, the Knoxville City Council utilized recommendations of the HS/RT plan in approving the rezoning of more than 110 acres in northeast Knoxville. Property owned by Babelay Farm, LLC, was recently **annexed** into the City of Knoxville and rezoned from the General Residential zoning it had while outside the city to a Planned Residential zone district in the city. The property is the site of the Legends at Oak Grove, a 264-unit apartment complex. The **zoning approved by City Council** allows up to 510 additional dwelling units on the remaining 93 acres of undeveloped land on the property.

The approval of a Planned Residential zone district for this property is consistent with the recommendations of the HS/RT Protection Plan, allowing the clustering of dwelling units on to the flatter portions of the site to protect the RT and steeper, more forested slopes. The **rezoning requires approval by the MPC** of a development plan for any future building. **Remember, the MPC is an appointed, unelected group of people, with a decidedly Communitarian stance.**

More than 30 acres of the undeveloped property are located within the HS/RT Protection Area and contiguous to Knox County's New Harvest Park. Based on recommendations of the HS/RT Plan, **two conditions were attached to the rezoning: at the time of development plan approval, this protection area must remain undisturbed, and, the property owners must make the protected area accessible to the public for future uses such as trails or greenway extensions.**

Do you understand this? The City of Knoxville under this communist "eminent domain on steroids" HS/RT plan, took 30 acres of the Babelay Farm and the owner of the property has no recourse.

MPC Total Control

On August 27, 2012, at the Knoxville County Commission meeting, there was an important vote. The vote included two items from MPC that would codify HS/RT Plan into hard law.

The County Commission voted down the HS/RT plan, not once, but twice. When they finally approved the plan, it was approved with an amendment that made the plan "advisory" only. It was approved only after a Delphi Technique facilitator was brought in and paid for by a private individual in order to bring the Commission members to consensus agreeing with this HS/RT Plan.

The MPC used an interpretation of [T.C.A. 13-3-403](#) to put the HS/RT Plan into law knowing that this statute **has no appeal process to County Commission or Knox County Courts!** [T.C.A. 13-3-403](#) says "the regional planning commission shall adopt regulations governing the subdivision of land within its jurisdiction." There is no mention in [T.C.A. 13-3-403](#) that the elected body of County Commissioners must approve MPC's subdivision regulations. It also doesn't mention allowing an appeal to any local court.

This means, this **MPC unelected body** would have sole discretion on the HS/RT Plan without approval of the elected County Commission members or appeal to the Knox County Courts. This is an obvious and outrageous violation of citizens rights to due process! This is United Nations Agenda 21.

The resulting decision of the Commission was to table this discussion and vote until it could be taken up in the January session of the State of Tennessee legislature.

Several local state representatives sent letters to the Commission requesting a tabling of the vote, as they'd received countless complaints from concerned property owners. So now we wait.

Conclusions

Here is an [excellent website](#) showing which federal department has taken land from each state. If you find your state, click on the "Print PDF Map." It will enlarge the map for you to see just how much land in your state is now federally owned land and by which federal department. As an example, 85% of Nevada's land is federally owned, 50% of Idaho's land, and 37% of Colorado's land. Here is [the map](#) of who owns the West!

The U.S. federal government owns and manages [more than one-fourth of the nation's acreage](#). In fact, more than half of the West is federally owned. Yet, the acts that enabled states to be a part of the nation promised transfer of public domain title. The citizenry of each state owns the land, not the centralized federal government.

Federal land management is not the panacea it is sometimes perceived to be. Federal lands reduce the tax revenues available to states. The government does not pay property taxes. The more land the state or the federal government lays claim to, the less taxes available for local and federal infrastructure. The citizenry will be heavily taxed to make up for the losses. This is another avenue to move the populace into urban areas and out of suburbia and rural communities.

Where is the outrage? Where are the citizens at every Commission and Council meeting watching over what these elected and unelected officials are doing? Where is the citizenry at the state legislature watching what our representatives are passing?

Sadly, there are only a handful of educated folks trying to protect the rights of us all. The apathy will be our death knell. I beg of you, get off your backsides, get on your knees and pray to the Almighty for guidance and help, and then get with people in your community who are fighting this rotten United Nations Communitarian takeover and destruction of our freedoms. You can meet them at the city and county meetings, at the town halls. Find them, get educated, and get busy. Unless we take action, we are most certainly doomed.

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Kelleigh Nelson has been researching the Christian right and their connections to the left, the new age, and cults since 1975. Formerly an executive producer for three different national radio talk show hosts, she was adept at finding and scheduling a variety of wonderful guests for her radio hosts. She and her husband live in Knoxville, TN, and she has owned her own wholesale commercial bakery since 1990. Prior to moving to Tennessee, Kelleigh was marketing communications and advertising manager for a fortune 100 company in Ohio. Born and raised in Chicago, Illinois, she was a Goldwater girl with high school classmate, Hillary Rodham, in Park Ridge, Illinois. Kelleigh is well acquainted with Chicago politics and was working in downtown Chicago during the 1968 Democratic convention riots. Kelleigh is presently the secretary for Rocky Top Freedom Campaign, a strong freedom advocate group.

Website: www.rockytopfreedom.com

E-Mail: Proverbs133@bellsouth.net