



TACIR INSIGHT

TENNESSEE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS
226 ANNE DALLAS DUDLEY BOULEVARD, SUITE 508, NASHVILLE, TENNESSEE 37243 • WWW.TN.GOV/TACIR

PUBLIC CHAPTER 1101 – THE TENNESSEE GROWTH POLICY ACT

Background

The Tennessee Growth Policy Act (Public Chapter 1101, Acts of 1998) was passed in response to Tennessee's rapid population growth, increased land development, and local annexation conflicts. According to the 2000 Census, Tennessee was the 14th fastest growing state in the nation. Tennessee also had the 4th fastest rate of land development based on data from the 1997 National Resources Inventory. Even though the state's annexation laws have since changed significantly, the Act remains relevant, in part because growth has not slowed, and in part because it still helps reduce local conflict through local coordination and limitations on new cities.

PC 1101 required local officials within each of the 92 non-metropolitan counties to work together to shape growth policy through the development of 20-year growth plans. The Act did not impose a single, statewide solution. Rather, each county through the establishment of a county coordinating committee created a local growth plan. PC 1101 required local officials within each of the 92 non-metropolitan counties to work together to shape growth policy through the development of 20-year growth plans. By 2003, all 92 counties required to develop growth plans had done so, and all plans were subsequently approved. Although the plans were 20-year plans, they do not expire at the end of that period. Though ideally, local governments will review and update them.

The growth plans established Urban Growth Boundaries (UGBs) for municipalities, Planned Growth Areas (PGAs), and Rural Areas (RAs) for counties. PC 1101 provided a sound basis for long-range planning for future growth and required that certain planning studies and land use and population projections be completed before proposing a UGB, PGA, or RA.

Public Chapter 707, Acts of 2014, made significant changes to Tennessee's annexation laws, eliminating annexation by ordinance without property owners' consent. As a result, municipalities can annex new areas by resolution only with the written consent of the proposed area's property owner(s) or by referendum of the voters living in the area proposed for annexation. Even for areas located within a municipality's urban growth boundary as approved under its county growth plan, non-consensual annexation is now prohibited. But many components of PC 1101 remain relevant:

- It provides that no municipality may annex territory in another municipality's UGB, even with a land owner request, thus reducing the potential for inter-city disagreements.
- It provides an area in which a municipality may plan for its future expansion and the infrastructure to support the expansion by guiding the locations for sanitary sewer extension.

- It provides an area and a boundary in which a municipality may propose to the Department of Economic and Community Development that the planning commission be designated a municipal-regional planning commission with a designated planning region. (TCA § 13-3-102)
- It identifies areas in a county where new municipalities may be incorporated. New incorporations must occur within the planned growth areas.
- It identifies areas in which the community would likely be willing to support transit-oriented development, and therefore where future transit stations might be proposed.
- It identifies Rural Areas that are to be preserved or be developed at a very low density.
- It requires that each county appoint a Joint Economic and Development Board “to foster communication relative to economic and community development between and among governmental entities, industry, and private citizens.” JECDBs play an important role in the economic and community development grant process.