

How Foscoe-Grandfather and Valle Crucis Cope with Growth

When a developer wanted to build a shopping center at the heart of the pastoral mountain village of Valle Crucis, residents rose up to fight it. In nearby Foscoe-Grandfather, residents were aroused to battle by the annexation aims of the ski resort town of Seven Devils.

These sorts of uprisings, while still unusual, appear to be on the upswing in unincorporated areas of the North Carolina mountains. Citizens are finding that the traditional mountain resistance to any kind of land-use restrictions leaves them defenseless in the face of development proposals that would change the fabric of their communities. And increasingly, they are doing something about their concerns.

Foscoe-Grandfather is attempting to incorporate and has adopted a zoning ordinance in the process. Valle Crucis, an unincorporated community of 19th century farmhouses and general stores, has chosen historic district status, which also entails zoning.

Foscoe-Grandfather lies along the Watauga River Valley and its roots go back to the 1700s, says Tom Foxx, a community resident and a leader in the incorporation effort. The trouble started when Seven Devils, incorporated since 1979 and centered on a ski resort on a ridge line above the community, began annexing land in what was considered by long-time residents to be Foscoe-Grandfather proper. The annexation ate into the Foscoe Volunteer Fire Department tax district, says Foxx, and gave some Foscoe-Grandfather residents the feeling that outsiders were trying to take over their community. Cultural differences between newcomers and old-line mountain residents only made matters worse. For example, some Foscoe-Grandfather residents were outraged that Seven Devils annexed a convenience store next to a Grandfather church so the store could sell beer and wine. "People just don't want to be controlled

by outside interests," says Foxx.

After one failed attempt at incorporation, Foscoe-Grandfather citizens tried a more deliberate approach. They asked their county commissioners to form a community council—a planning body for the community. The council settled on three goals: (1) locating property for a recreation facility; (2) developing a zoning ordinance; and (3) studying the feasibility of incorporating.

Incorporation, Foxx said, "turned out to be even more feasible than what we thought," and this time the county commissioners endorsed it. Incorporation still must win approval from the state, but Foxx is optimistic. The community council also has won approval from the county commissioners of a county administered zoning ordinance with four districts: (1) a rural district with residential uses only; (2) a highway commercial district; (3) a buffer zone at the boundary of Seven Devils; and (4) an industrial district to accommodate the community's only industry. Why zone? "Essentially to preserve our rural character," says Foxx.

In Valle Crucis, the goal is the same, but the means of getting there is quite different, and the historic district designation came only after a long and bitter fight. "We wore them out," says Howell Cook, president of the Valle Crucis Community Council. "Everybody got tired and we won."

Carroll Garland is among those Valle Crucis property owners who initially opposed zoning in the community. "I think the people who own the property should have the say-so, not the people who come to visit," says Garland. Garland, a Boone banker who owns about 60 acres in Valle Crucis, says the district started out too restrictive—which he feared would hurt property values—and wound up too loose. "Commercial property was zoned as commer-

— *continued on next page*

ties are going to have some control over our own destiny," says Bill Thomas, a Brevard resident and president of the North Carolina chapter of the Sierra Club, which has included enactment of a Mountain Area Management Act on its list of legislative priorities for 1990-91.⁷ "It could be modeled after CAMA," says Thomas. "CAMA appears to have been a reasonable success. It hasn't stopped development, but it has restricted it in areas that shouldn't be developed. I don't know how any forward-looking person could be opposed to land-use planning."

If the impact of CAMA is any indication, mandatory regional planning for the mountains clearly would not inhibit growth. Of North Carolina's five fastest growing counties during the 1980s, four—Brunswick, Carteret, Currituck, and Dare—were coastal counties covered by CAMA.⁸ The fifth was Wake County in the Piedmont.

A regional land-use plan based on CAMA would have two basic components: a process by which each county would develop and adopt a land-use plan and a means of designating "areas of environmental concern." A special state permit would be required before major development could

occur in areas of environmental concern. The act would be administered by a commission which represented various interests and would be supported by a professional staff. "It establishes a role for the state," says Bill Holman, who lobbies for the Conservation Council of North Carolina, the Sierra Club, and the N.C. Chapter of the American Planning Association.

And requiring the mountain counties to plan would take the heat off county commissioners, who could lay the blame for mandatory planning on the state. "Really, the situation is so political, I don't think many boards of commissioners can enact any land-use regulations or land-use restrictions and survive," says Ed Israel, executive director of Western North Carolina Tomorrow, a planning and economic development agency at Western Carolina University in Cullowhee. Israel points to several instances in which a firestorm of criticism forced local elected officials to reverse themselves on land-use planning decisions. "Back in the early 1970s, Buncombe County enacted a land-use plan and had a special session the next day and repealed it. Haywood County passed a subdivision ordinance, and it lasted three days."

Foscoe-Grandfather, *continued*

cial and nothing else could go commercial," says Garland. "That wasn't fair. Farmland was zoned for farming, and you couldn't use it for anything else. That wasn't fair either. If the land was not in use, it was zoned as farm use and you couldn't use it for anything else."

At one point, says Garland, opponents were removed from the heart of the district, giving it the shape of doughnut. Eventually, all restrictions on use were dropped within the district. That mollified the opposition, but Garland says the community swung from too much regulation to too little. "I think it went from one side to the other side," he says.

And winning the designation did not stop the shopping center. Completed in June 1989, it sits in the floodplain of the Watauga River, its parking lot boardwalks lending a North Myrtle Beach look to a community of old farm houses,

inns, and a general store dating to the 1880s.

But historic district supporters remain hopeful the regulations now in place can prevent a similar affront in the future. Although the zoning ordinance adopted and enforced by the county permits all uses, lots must be an acre in size, and there are landscaping, parking, buffering, and screening requirements. The historic district designation also means anyone wishing to alter the appearance of a building within the district must get the approval of a special committee. That, says Watauga County planner Joe Furman, will be a major change for a rural mountain community.

It remains to be seen how the historic district designation will sit with Valle Crucis citizens. "We'll have to get them used to coming in and having to ask permission to change a light fixture," says Furman. "That's not going to work in most rural areas."

—Mike McLaughlin