



Hugh Morton

Preserving the North Carolina Mountains: Time to Develop a Plan?

by Mike McLaughlin

Fifteen years have passed since the General Assembly last considered mandatory regional planning for the North Carolina mountains. Since then, a mountain top has been leveled for a high-rise condominium and mountain forests have given way to second-home subdivisions. Golf courses have been graded, billboards erected, and scenic vistas marred. And still the stream of newcomers flows, bringing new ideas but also altering the politics and the mountain culture. The Mountain Area Management Act—proposed in 1974 and again in 1975—died a quiet death in the 1975 General Assembly. The legislature, having exhausted itself in passing companion legislation to protect the North Carolina coast, was unwilling to tackle widespread opposition in the mountains.

A decade and a half later, research by the N.C. Center for Public Policy Research shows the mountain region trails the rest of the state in planning for and managing growth, despite a clear economic interest in protecting the beauty of the region for tourism. For example, fewer than one in three mountain counties has a subdivision ordinance, while 75 percent of the Piedmont and eastern counties have these ordinances. And only three of the 24 mountain counties (12 percent) have land-use plans to guide growth, compared to more than 50 percent of the counties across the rest of North Carolina. Center research also turned up less support for land-use planning in the mountains than in other regions of the state.

Georgia, Florida, and Virginia are among a number of states now mandating a measure of planning for growth at the local level. But what course should North Carolina take? The Center has identified four clear options. The state could: (1) require regional land-use planning for the mountains, as it has done for the coast; (2) mandate local land-use planning statewide; (3) avoid comprehensive strategies but attack specific environmental problems that would require some land-use controls; or (4) leave planning entirely up to local elected officials, who could adopt growth management strategies or leave it up to market forces to dictate how growth will occur. In this article, the Center lays out the pros and cons of each of these approaches as it addresses the question of the appropriate role of the state in local land-use planning.

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hort of Murphy, Hayesville is about as far west as you can get and still be in North Carolina. Stoplights are still a novelty in this tiny town, the Clay County

seat, population 600. One of the town's more notable economic development coups came when County Manager Carl Moore coaxed a Hardee's fast food restaurant to locate on the bypass.

But Moore is fond of loading visitors taken with the town's slow pace into his dusty pickup truck for a preview of what he is certain is soon to come—the same sort of bustling development that is occurring just across the county line in north Georgia. There the grass has barely sprouted at a fancy stone hotel and marina on Lake Chatuge, and already the proprietors are adding on. Second homes march up the mountainsides while red clay erodes down them. The Georgia Mountain Fair, with its sprawling facilities and prefab music hall, waits like a ghost town for the thousands of visitors it attracts every summer.

The highway is being widened all the way to Atlanta, and Georgia is planning a state park resort by Brasstown Bald, complete with a lodge, campground, and golf course. "They're going to pump people into north Georgia," says Moore. The spillover, Moore is convinced, will wash across Hayesville and Clay County, which stand between the Georgians and the Great Smoky Mountains National Park. Like any leader of a small town facing big changes, Moore is by turns delighted and frightened.

"I see this area has the potential of becoming the next small Pinehurst," says Moore. Six different golf courses exist, are planned, or are under construction. "We have an abundance of trout and hiking trails. Our link to the outside world is that way," he says, flinging an arm in the direction of Atlanta. "It [the highway] puts 3.2 million people in ready access to us. Hell, this is sad, but we're going to be overrun with people."

Clay is one of the state's poorest counties. Growth will put money in people's pockets and boost the county's property tax base. But Moore fears that without proper planning, the county is

ill-prepared to manage the coming boom. "We have none," says Moore. "We have no land-use planning at this point."

Far across the mountains, in the northwest region of the state, the town of Blowing Rock confronts another kind of problem. Perched on the edge of the John's River Gorge, the town has long been a tourist mecca, boasting of the state's oldest travel attraction, Blowing Rock. There tourists plop down \$3 to gaze off into the vast emptiness of the gorge and wonder whether it really snows uphill, as the brochure claims.¹

The town has been a quaint oasis where summer residents rubbed shoulders with native mountaineers and Appalachian State University students looking for a cold beer. Now its popularity has

mushroomed. The sidewalks are jammed in summer with tourists lapping ice cream cones, examining high-dollar antiques and crafts, and nibbling Mackinac Island fudge.

Out on the bypass, near the entrance to the Blue Ridge Parkway, a strip shopping center of outlet stores beckons, promising "factory direct savings" in a resort setting. Another strip shopping center is

under construction across the highway. It will bring Blowing Rock its first chain grocery—a Food Lion. The bypass is becoming congested with chain motels and fast food eateries. The problem again is growth—and how to preserve what is good about Blowing Rock while keeping cash registers ringing. It's a problem every growing community must confront, but for a town depending on its aesthetic appeal to survive and thrive, the issue becomes more crucial.

But unlike Hayesville and Clay County, Blowing Rock has a full set of ordinances to manage growth. Zoning is restrictive and enforced, the town has a sign ordinance and a noise ordinance, and proposed new construction is reviewed for appearance and architectural appropriateness. "We want to maintain the charm of our little town," says Blowing Rock Town Council member J.B.

I make my living on Blue Ridge Lake. The water keeps giving whatever I take. Froglegs, minnows, and catfish steaks—I make my living on Blue Ridge Lake.

—MIKE CROSS

Mike McLaughlin is associate editor of North Carolina Insight. Center intern Dale McKeel did much of the research for this article.

Lawrence. "If we can keep it the way it is now for as long as we can, I think we can be proud of it. I think that's the main concern of our entire town council." Without these growth management tools in place, says Town Manager Chris May, the chances of preserving the character of Blowing Rock would be "next to none."

Old Customs and New Ideas

The stories of Clay County and Blowing Rock are microcosms for what is going on throughout the North Carolina mountains. There still are forgotten hollows, but towns and counties across the region are either poised to grow or struggling to manage growth that is almost beyond their control. Natives and newcomers are rubbing shoulders uneasily, eyeing each other suspiciously, and pitting old customs against new ideas.

And increasingly, the question is becoming not *whether* to manage growth but *how*. Local government officials across the region say this is a noteworthy change. "There seems to be a gradual but positive shift in Henderson County from the concept of 'each property owner may use his own

property for his own purposes' to that of 'one must balance individual land rights with development for the common good and concern for the environment,'" says Matt Matteson, Henderson County planner.

Leaders in the mountain region point to a number of examples that stand as monuments to poor planning, including the following:

- ▣ residential and commercial development that has gobbled up most of the land suitable for industrial development in some mountain counties, fostering dependency on the low-wage and seasonal tourist industry;

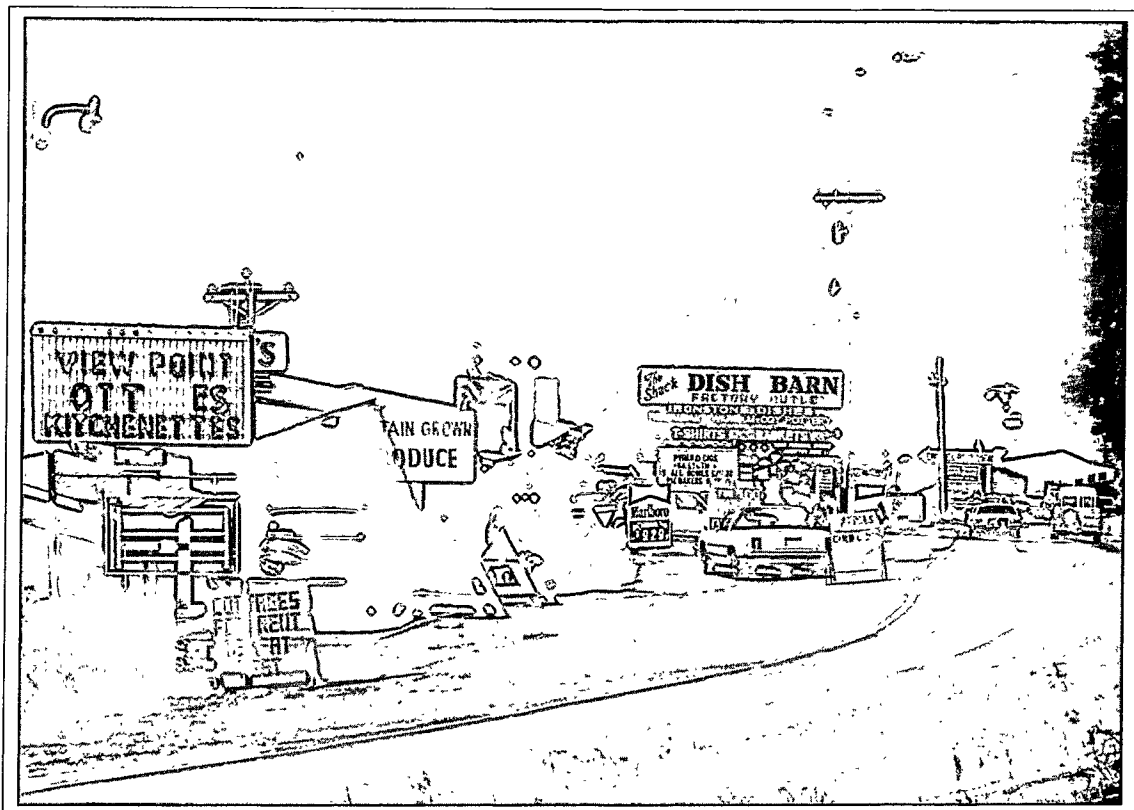
- ▣ unsightly commercial strip development along spectacularly scenic routes, a problem which likely will become worse as intrastate highways financed through the state's \$9 billion highway improvement package are built;

- ▣ a proliferation of billboards that blocks views and clutters the landscape;

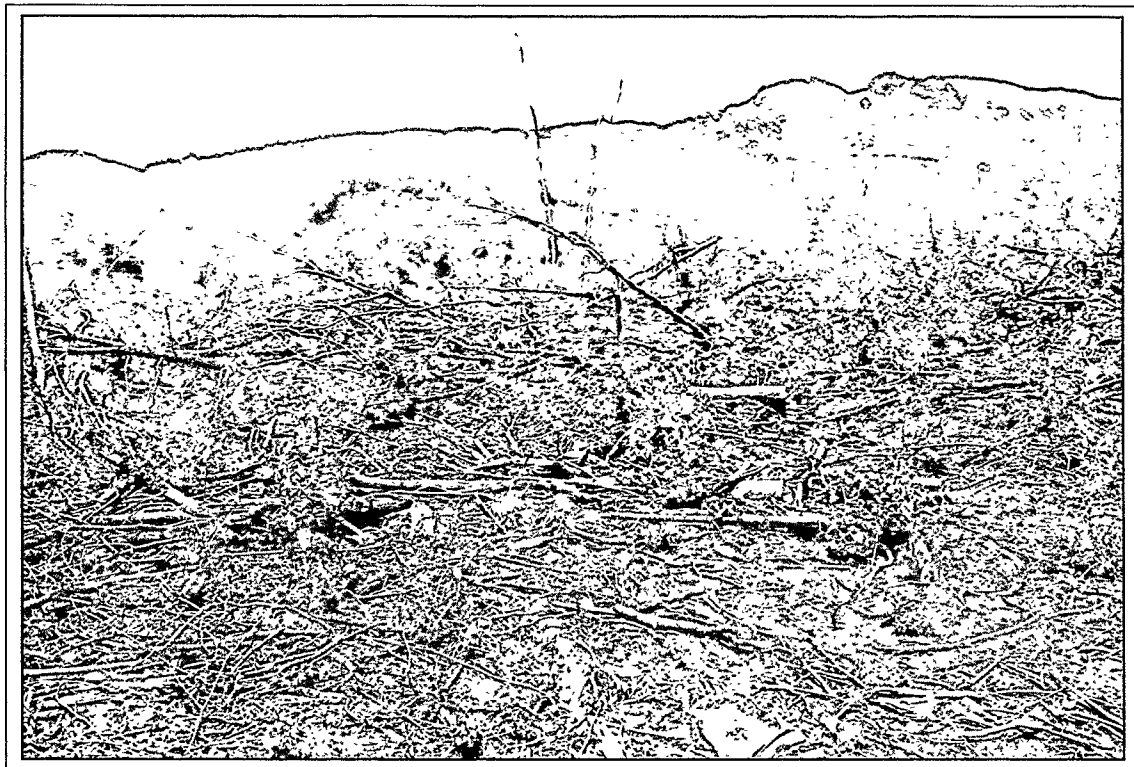
- ▣ extensive cutting of forests, which mars mountain scenery and threatens the environment;

- ▣ residential development in watersheds and along pristine mountain trout streams, which threatens water quality; and

The scenery along U.S. 19 near Maggie Valley.



Hugh Morton



Clear cutting in a national forest near Grandfather Mountain.

■ slap-dash second home developments with poorly designed gravel roads that erode away to the point of impassability and with rocky soil that will not accommodate a septic tank for sewage treatment or a well to supply water.

But despite these kinds of problems, many people worry that a region long resistant to any kind of land-use planning won't work through its differences about how to plan in time to preserve what is special about the North Carolina mountains. They worry that the fast buck artists and a handful of irresponsible developers will, as more than one person put it, "kill the goose that laid the golden egg." There is antipathy toward even minimal planning efforts, and there are communities across the region where, as the local politicians tell it, one dares not even mention the Z word—zoning. In fact, conventional wisdom holds that the quickest way out of elected office in western North Carolina is to become a strong advocate of land-use regulations. The theory goes that a Scotch-Irish heritage and decades of self-sufficient isolation in the hardscrabble mountains have fused to form a fierce resistance to anyone telling a native mountaineer what to do with a piece of land. Those who

would buck this tradition would be ridden out of office on a rail.

"Leave me alone and I'll leave you alone and don't tell me what to do," is how Asheville real estate developer Bill Johnson describes the attitude, which he agrees with wholeheartedly. "They've got brains enough to know that if you tie a noose around that guy's neck, you tie a noose around your own. You don't hang somebody without putting yourself in danger of hanging, too."

Not everyone subscribes to this theory. Madison County, in fact, adopted countywide zoning in 1971, although some question how vigorously the ordinance is enforced. To date, only one county, Caldwell, has joined Madison, which puzzles James T. Ledford, chairman of the Madison County Board of Commissioners when countywide zoning was enacted. "Zoning is the only way to go," says Ledford. "I have never understood why elected officials have been afraid to bring it before the people. Nobody is against zoning except the special interests."

But a survey of county managers of all 100 counties in June 1990 by the North Carolina Center for Public Policy Research shows that besides a

reluctance to zone, the mountains as a region have *far fewer* land-use regulations of any kind in place than either the Piedmont or the eastern and coastal counties.² Mountain counties have turned a cold shoulder to planning that might protect the region from irresponsible development. Even the most rudimentary of planning tools, county land-use plans, have languished on the shelves of government agencies because the commissioners who ordered them up have not seen fit to adopt them.

To get a clear look at regional differences in land-use planning efforts, the Center divided the 100 counties into three categories—the 24 mountain counties included in the Mountain Area Management Act proposed in 1974, 56 Piedmont and eastern counties, and the 20 coastal counties governed by the Coastal Area Management Act. Of these groups of counties, the mountains have far fewer controls on land use (see Table 1, page 9).

For example, 75 percent of the coastal and Piedmont and eastern counties have subdivision ordinances, while such ordinances are in place in only 29.2 percent of the mountain counties—seven of the 24. Subdivision ordinances generally require a developer who wants to subdivide to meet criteria covering lot size, road width, drainage, erosion control, and other standards. Zoning, which legally restricts property to specific uses and development densities, is even less pervasive. Of the 31 counties across North Carolina with countywide zoning, only two, Caldwell and Madison, are in the North Carolina mountains.

And mountain counties had far fewer billboard or sign ordinances than counties in other regions of the state, despite a strong interest in preserving scenic beauty for tourism. Only 29.2 percent of the mountain counties had such ordinances in place, compared to 40 percent of the

Glossary of Selected Land-Use Planning Terms

Land-Use Plan — A document developed after a series of public hearings that identifies preferred use for land within a community, such as agriculture, residential, industrial, and commercial. Such plans serve as a tool for guiding growth and can provide the legal underpinning for zoning ordinances.

Zoning Ordinance — An ordinance that governs how property will be used — such as for residential, commercial, or industrial purposes — and dictates the density at which development can occur. For example, a certain residential zone might allow only one housing unit per acre, while another zone might allow a mix of commercial and residential uses at a much higher density.

Capital Improvements Program — Identifies sites and sets out a timetable for constructing and a plan for financing such facilities as parks, schools, fire departments, and water and sewer systems.

Watershed Protection Ordinance — Governs development within a watershed, covering such criteria as what percentage of an acre of land can be covered with impermeable surfaces and how storm water runoff will be controlled.

Subdivision Ordinance — Sets minimum criteria for subdividing property for development, such as lot size, setbacks, road width, and erosion control.

Sign Ordinance — Controls size and placement of signs.

Planning Board — Performs planning duties as assigned by a board of county commissioners or a town council, such as reviewing development proposals for compliance with a subdivision ordinance.

Board of Adjustment — Considers requests for exceptions to or variances from ordinances, most commonly zoning changes.

—Mike McLaughlin and Dale McKeel

coastal counties and 57.1 percent of the Piedmont and eastern counties. Mountain counties also were less likely to use flood damage prevention ordinances to protect floodways or floodplains. Exactly two thirds of the mountain counties had adopted such ordinances, compared to 73.2 percent of the Piedmont and eastern counties and 90 percent of the coastal counties. Mountain counties were somewhat less likely to have passed watershed protection ordinances, although these were not predominant in any region of the state.

Besides imposing fewer restrictions, the mountain counties on the whole are doing less planning (see Table 2, page 10). Only three mountain

counties, for example, have adopted land-use plans to guide growth, compared to more than half of the Piedmont and eastern counties and all of the coastal counties, which are required under the Coastal Area Management Act to prepare such plans.³ One-fourth of the mountain counties require a site review for large developments such as shopping centers not subject to review under a subdivision ordinance, while 39.3 percent of the Piedmont and eastern counties and 45 percent of the coastal counties have such a requirement. Mountain counties also are trailing the rest of the state in incorporating planning boards and agencies into the workings of local government. (See Table 3, page 16, for a county-by-county breakdown of planning and growth management efforts across North Carolina.)

The General Assembly must share the blame for some of these regional discrepancies. A decade and a half ago, in rejecting the Mountain Area Management Act,⁴ the legislature elected not to require planning in the mountains. At the same time it imposed a mandatory planning program on the North Carolina coast. Since then, the Coastal Area Management Act has been cited time and again as a national model for planning to protect a fragile resource.⁵ Meanwhile, the mountains have languished without a regional plan and with fragmented and limited local planning efforts.

Johnson, the real estate developer, is among those who believe this dearth of land-use regula-

tions or planning is exactly as it should be. "Growth needs to go where it is economically mandated, not where some planner who can't even read a financial statement says it should go," he says. "If you want planning, go to Russia. They've been planning since 1920 and they can't even feed themselves."

The Center's research supports the notion that mountain citizens are less supportive of land-use planning than citizens of other regions of the state. In the mountains, only 29 percent of the county officials surveyed said their citizens would support or strongly support land-use planning (see Table 4, page 24). That compares to 50 percent of respondents in the Piedmont and

eastern counties and 60 percent of respondents in the coastal counties.

Officials from the mountain counties also were much more likely to describe their citizens as opposed to zoning. More than half the respondents in mountain counties, 54 percent, said their citizens oppose or strongly oppose zoning, compared to 40 percent in the coastal counties and only 23 percent in the Piedmont and eastern counties.

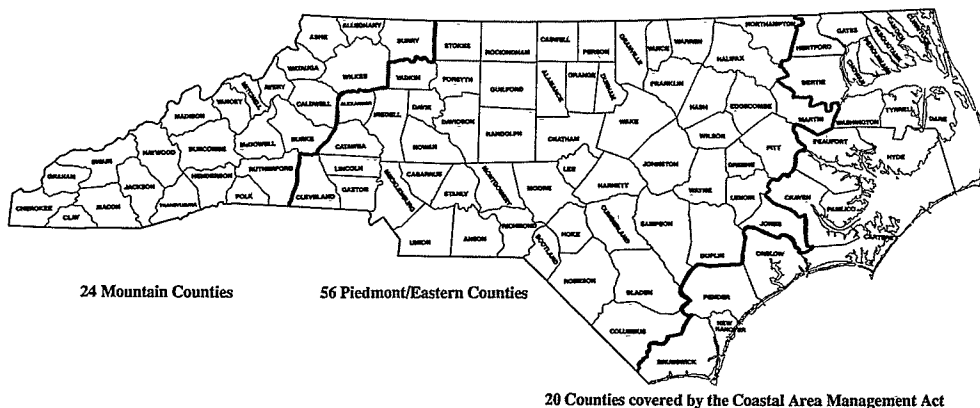
Most county officials in all three geographic categories thought their counties would have more interest in implementing land-use measures if more funds were available from the state. A clear majority of respondents in both the coastal and Piedmont and eastern categories favored the state's requiring county land-use plans, but again, mountain county officials lagged behind, with only 42 percent supporting or strongly supporting such a requirement.

Still, public officials and private citizens interviewed across the region offered a less extreme view than did Johnson, the real estate developer. They acknowledge that they trail the rest of the state in planning for growth and change, and point to local politics in assessing blame. They express concern that steady growth coupled with a relative lack of controls leaves precious natural resources vulnerable. The risk, they say, is that the very qualities that draw people to the North Carolina mountains—scenic beauty, clean air, and pristine mountain streams—will be

*Our mountain farmer, seeing
all arable land taken up, and
the free range ever narrowing,
has grown jealous and
distrustful, resenting the
encroachment of too many
sharers in what once he felt
was his own unfenced domain.*

—HORACE KEPHART

OUR SOUTHERN HIGHLANDERS



**Table 1. Summary of Land-Use Ordinances
in North Carolina Counties — June 1990**

Category	Coast	Mountains	Piedmont & East	State- wide
1. Counties with a flood damage prevention (floodway or floodplain) ordinance	18 90.0%	16 66.7%	41 73.2%	75 75.0%
2. Counties with a sedimentation and erosion control ordinance	*1 5.0%	5 20.8%	15 26.8%	21 21.0%
3. Counties with a watershed protection ordinance	2 10.0%	1 4.2%	14 25.0%	17 17.0%
4. Counties with a subdivision ordinance	15 75.0%	7 29.2%	42 75.0%	64 64.0%
5. Counties with a zoning ordinance	13 65.0%	8 33.3%	43 76.8%	64 64.0%
6. Counties which have zoning in all of the county	6 30.0%	2 8.3%	23 41.1%	31 31.0%
7. Counties which have zoning in only a portion of the county	7 35.0%	6 25.0%	21 37.5%	34 34.0%
8. Counties which have either a billboard or sign ordinance	8 40.0%	7 29.2%	32 57.1%	47 47.0%

*The state administers the sedimentation and erosion control program in counties that do not have a locally administered program.

Note: As defined for these tabulations, there are 20 coastal counties, 24 mountain counties, and 56 Piedmont or eastern counties.

—Dale McKeel

Table 2. Characteristics of Land-Use Planning in N.C. Counties

Category	Coast	Mountains	Piedmont & East	State- wide
1. Counties with an adopted land use plan	20 100.0%	3 12.5%	29 51.8%	52 52.0%
2. Counties that require site review for large developments not subject to review under a subdivision ordinance	9 45.0%	6 25.0%	22 39.3%	37 37.0%
3. Counties with a county planning board	18 90.0%	18 75.0%	44 78.6%	80 80.0%
4. Counties with a board of adjustment	11 55.0%	8 33.3%	40 71.4%	59 59.0%
5. Counties with a planning agency	13 65.0%	13 54.2%	44 78.6%	70 70.0%
6. Average number of persons on planning agency staff in those counties with a planning agency	3.5	3.2	6.8	5.5
7. Counties with a joint city-county planning board	0 0.0%	0 0.0%	6 10.7%	6 6.0%
8. Counties with a capital facilities or improvement program (CIP)	3 15.0%	6 25.0%	18 32.1%	27 27.0%
9. Counties with a defined policy on the extension of water and sewer lines	4 20.0%	4 16.7%	16 28.6%	24 24.0%
10. Average number of incorporated cities per county	4.7	3.5	6.1	5.2
11. Average number of incorporated cities per county that exercise extraterritorial planning/zoning jurisdiction	2.1	1.4	3.3	2.6
12. Counties with urban development standards in urban growth areas that are part of the county	0 0.0%	1 4.2%	10 17.9%	11 11.0%

Note: As defined for these tabulations, there are 20 coastal counties, 24 mountain counties, and 56 Piedmont or eastern counties.

—Dale McKeel

destroyed by rampant growth.

"The number of people moving in is beyond the scope of belief," says Jerry Sutton, chairman of the Macon County Board of Commissioners and a dairy farmer in the Clark's Chapel community. "This community had 100 families 20 years ago. Now we have 300. . . . We need some type of land development controls."

Sutton, who did not seek re-election in November 1990, says controls are needed to protect property values and water quality, but also to preserve scenic beauty. "If the mountains have anything to protect, it's the beauty," says Sutton, whose farm sits in a valley among rolling ridges. "I think it's the most pertinent thing we have to do."

State estimates show that at 7.8 percent, population growth for the mountain region from 1980 through 1989 was below the state average of 11.7 percent. But population growth equaled or exceeded the state average in five mountain counties—Cherokee, Henderson, Macon, Polk, and Transylvania. And the figures do not include second-home residents or tourists, who swell the populations of mountain counties on a seasonal basis and drive local building booms. Nor do they account for the difficulties presented by mountain terrain—steep slopes and poor access that make it impractical to build on some land.

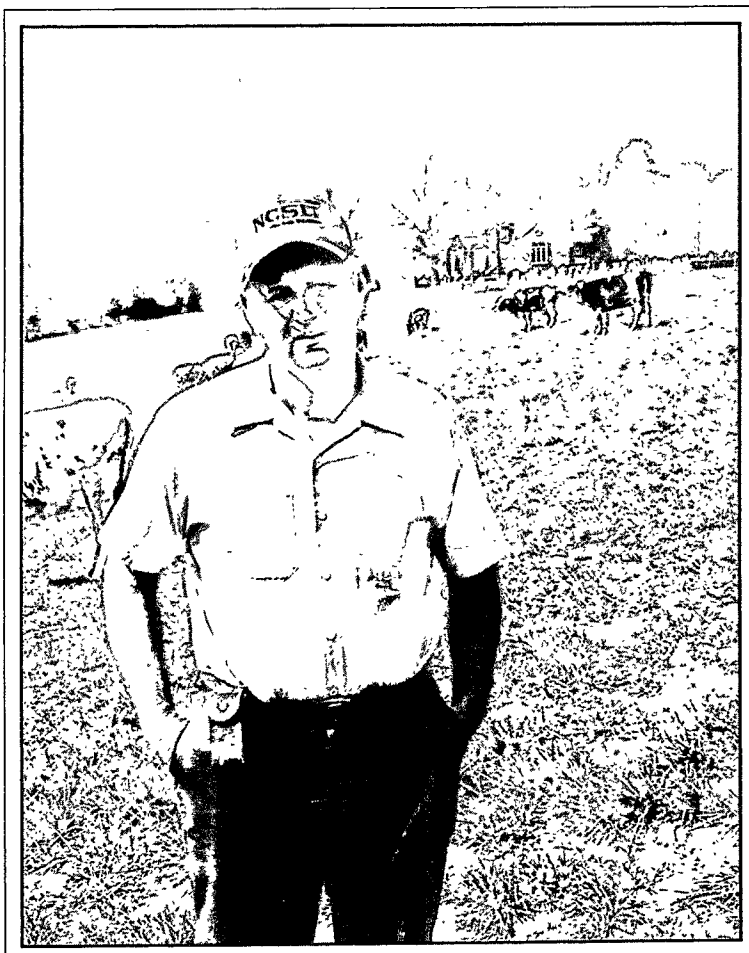
There appears to be broad agreement that the promises and pitfalls of growth are cause for concern in the North Carolina mountains. But what should be done to manage growth, and what is the appropriate role of the state? Here the consensus breaks down, but four clear options emerge from the debate. The state could: (1) step in and require regional land-use planning for the North Carolina mountains, as it has done at the coast; (2) require every county in the state to do land-use planning as part of a comprehensive growth management strategy; (3) attack specific environmental problems through legislation

and avoid comprehensive strategies; or (4) stay out of the picture entirely, rendering technical assistance as it now does. This approach leaves the decision up to local elected officials, who could engage in land-use planning or let the market dictate growth. A case can be made for each of these approaches.

Option 1: The Case for Mandatory Regional Planning in the Mountains

Advocates of mandatory regional planning point to the success of the Coastal Area Management Act in establishing a role for the state in regulating development along the North Carolina coast.⁶ "We feel that land-use planning is something that needs to be done if the mountain coun-

Jerry Sutton, dairy farmer and chairman of the Macon County Board of Commissioners, says his county needs stronger land use controls.



Mike McLaughlin

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.

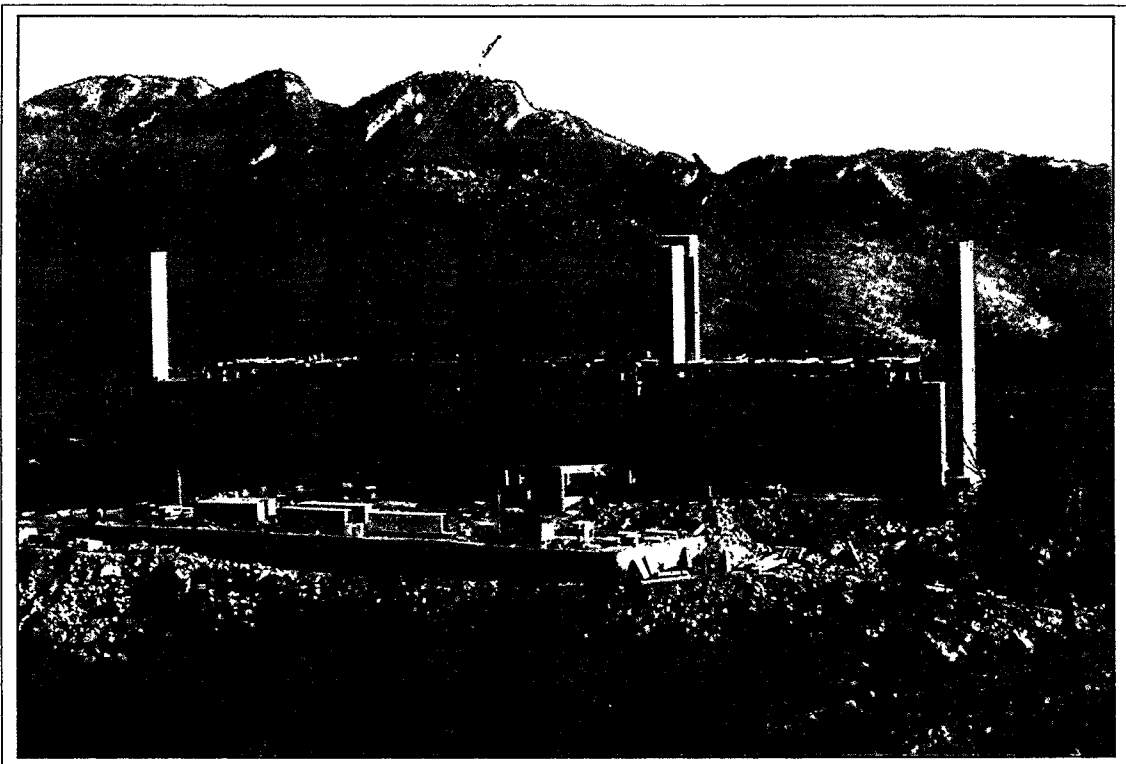
And winning the designation did not stop the shopping center. Completed in June 1989, it sits in the floodplain of the Watauga River, its parking lot boardwalks lending a North Myrtle Beach look to a community of old farm houses,

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



Hugh Morton

This high rise condominium project, shown under construction on Little Sugar Mountain near Banner Elk, led to a 1983 law governing ridgetop development.

Israel says a number of factors inhibit the development of land-use regulations in the mountains and necessitate the intervention of the state. Partly, it's tradition. "There's the old mountain attitude. 'This land was my granddaddy's and my daddy's, and now it's mine and I'll do with it as I please,'" he says. There is also a cultural clash. That newcomers push for more regulations only stiffens the resolve. "When new people from the north come in and start demanding these things, there is an automatic resistance on the part of the local people," says Israel. Intervention by the state would be one way to resolve the political impasse. "We certainly can't continue to drift," says Israel. "If it's done tomorrow, it will be too late in some instances."

Western North Carolina Tomorrow, which acts on behalf of 17 western North Carolina counties, passed a resolution Dec. 10, 1990, calling on the General Assembly to enact legislation mandating growth management planning in the North Carolina mountains. The resolution asks that the state provide money and other incentives to all of the mountain counties for planning and for developing

ordinances to regulate growth. It also seeks an opt-out provision so that counties can conduct a referendum on whether to participate. Few advocates of better growth management believe a carbon copy of the original Mountain Area Management Act would soar through the legislature and into the law books. "I agree that there's not much being done up here right now," says Hugh Morton, owner of Grandfather Mountain, a scenic attraction in Linville. "I don't know whether the mood has changed sufficiently to have such a thing meet with success. It [the Mountain Area Management Act] got killed last time because some opponents were able to say with some degree of truth in it that you couldn't build a hen house without getting a permit from Raleigh—and they killed it dead."

Morton says a Mountain Area Management Act might have a better chance of passing the General Assembly if it had an opt-out provision such as that included in the 1983 Ridge Law. That law—passed when a developer leveled the top of Little Sugar Mountain in Avery County and constructed a 10-story condominium complex—forbids construction of buildings more than three

stories tall on ridgetops above 3,000 feet.⁹ Morton, a chief proponent of the law, says a provision for an opt-out referendum insisted upon by then-Speaker of the House Liston Ramsey (D-Madison) assured its passage. Of the mountain counties, only Cherokee in the far west held a referendum, and the voters overwhelmingly endorsed the law. "That kind of more intelligent approach is going to have to be made if anybody is going to make headway," says Morton.

Option 2: The Case for Statewide Mandatory Land-Use Planning

Some planning advocates argue that the best way to make sure that land-use planning takes place in the mountains is to require it for the whole state, a path followed by a number of states, including Oregon, Vermont, Florida, Virginia, and most recently, Georgia (see page 27 for more on planning efforts in other states). Proponents say mandatory statewide planning would defuse the criticism that the mountain counties are being targeted unfairly for a higher level of regulation than the rest of the state. "Minimum standards for the whole state might fly," says Bob Shepherd, executive director of the Land of Sky Regional Council, which represents Buncombe, Henderson, Madison, and Transylvania counties. "You can't single out the mountains and say, 'Gee, we've got to protect those people up there.' They're too independent and too stubborn to let the people in Raleigh tell them what to do."

Holman, the environmental and planning lobbyist, has also come to support a statewide approach. "Politically, it's going to be very difficult to get the rest of the state to impose a Mountain Area Management Act on the mountains," says Holman. "It might even be easier to pass a statewide program." Holman says the idea would be to link state investment in infrastructure to local planning. "If you want a road, you've got to do the plan," he says. "The state could also encourage local planning and land-use regulation by acting consistently with local plans. For example, the state should deny a wastewater discharge or air quality or mining or whatever permit to a project that is inconsistent with a local plan or ordinance."

Holman has become a mild critic of CAMA, saying it has become increasingly difficult to protect environmentally sensitive areas under the act. "Regulation in areas of environmental concern has been helpful on the coast, but the state has been

reluctant to use those powers," says Holman. As evidence, he cites the fight to preserve maritime forests. "I think environmentalists may win that [regulatory] battle, but there may not be any maritime forests left by the time we do," Holman says.

Georgia's program establishes minimum standards and procedures for planning, requires state, regional, and local land-use plans, and establishes a critical areas program for protecting mountains, wetlands, and coastal areas.¹⁰ The state provides funding for planning at the regional level, but as Holman has suggested for North Carolina, local governments that do not comply with planning requirements are denied state funds for infrastructure such as water and sewer systems and roads. Such a program would be expensive to implement for North Carolina, and Holman says it would be difficult to adopt without strong executive branch support. "In other states where they have a policy, it took a strong push by the governor to get it," says Holman. "Until we have executive branch support, we have to take it one step at a time."

—continued on page 18

Nine years have passed since this book first came from the press. My log cabin on the Little Fork of Sugar Fork has fallen in ruin. The great forest wherein it nestled is falling, too, before the loggers' steel. A railroad has pierced the wilderness. A graded highway crosses the county. There are mill towns where newcomers dwell. An aeroplane has passed over the county seat. Mountain boys are listening, through instruments of their own construction, to concerts played a thousand miles away.

—HORACE KEPHART, *OUR SOUTHERN HIGHLANDERS*, PREFACE TO 1922 EDITION

Table 3. The Status of Land-Use Planning in North Carolina Counties, June 1990

	1	2	3	4	5	6	7	8	9	10
Alamance			Y		Y	Y	Y	4	7	7
Alexander	Y	Y			Y		Y	1	1	1
Alleghany									1	1
Anson			Y		Y	Y	Y	2	7	2
Ashe						Y			3	0
Avery						Y	Y	1*	4	1
Beaufort	Y								7	4
Bertie	Y	Y				Y	Y	1	8	3
Bladen		Y					Y	1	7	1
Brunswick	Y		Y			Y	Y	4	18	6
Buncombe		Y			Y		Y	9	6	2
Burke						Y	Y	3	10	4
Cabarrus	Y	Y	Y	Y		Y	Y	8	4	4
Caldwell	Y	Y	Y	Y		Y	Y	8	8	3
Camden	Y		Y	Y		Y			1	1
Carteret	Y		Y		Y	Y	Y	4	9	6
Caswell		Y	Y		Y	Y			2	0
Catawba	Y	Y	Y	Y		Y	Y	5	8	6
Chatham	Y		Y		Y	Y	Y	2	3	2
Cherokee									2	0
Chowan	Y		Y		Y	Y			1	1
Clay						Y			1	1
Cleveland		Y	Y		Y	Y	Y	2	15	3
Columbus					Y				8	6
Craven	Y	Y	Y		Y	Y	Y	3	8	6
Cumberland	Y		Y		Y	Y	Y	23**	8	0
Currituck	Y		Y	Y		Y	Y	4.5	0	0
Dare	Y		Y		Y	Y	Y	5	5	2
Davidson	Y		Y	Y		Y	Y	5	3	2
Davie	Y		Y	Y		Y	Y	1	2	1
Duplin	Y					Y	Y	2	10	2
Durham	Y		Y	Y		Y	Y	43**	1	0
Edgecombe			Y	Y		Y	Y	2	9	2
Forsyth	Y	Y	Y	Y		Y	Y	36**	5	1
Franklin	Y		Y	Y		Y	Y	1	5	5
Gaston	Y	Y	Y			Y	Y	4	15	13
Gates	Y		Y			Y			1	0
Graham									2	0
Granville	Y		Y	Y		Y	Y	3	4	2
Greene									3	1
Guilford	Y	Y	Y	Y		Y	Y	11	5	3
Halifax				Y		Y	Y	1	7	6
Harnett	Y	Y	Y	Y		Y	Y	5	5	5
Haywood						Y	Y	1	5	5

LEGEND FOR TABLE:

1. County has adopted a land use plan
2. County has adopted a capital facilities or capital improvements plan (CIP)
3. County has a subdivision ordinance
4. Zoning in all of county
5. Zoning in a portion of the county

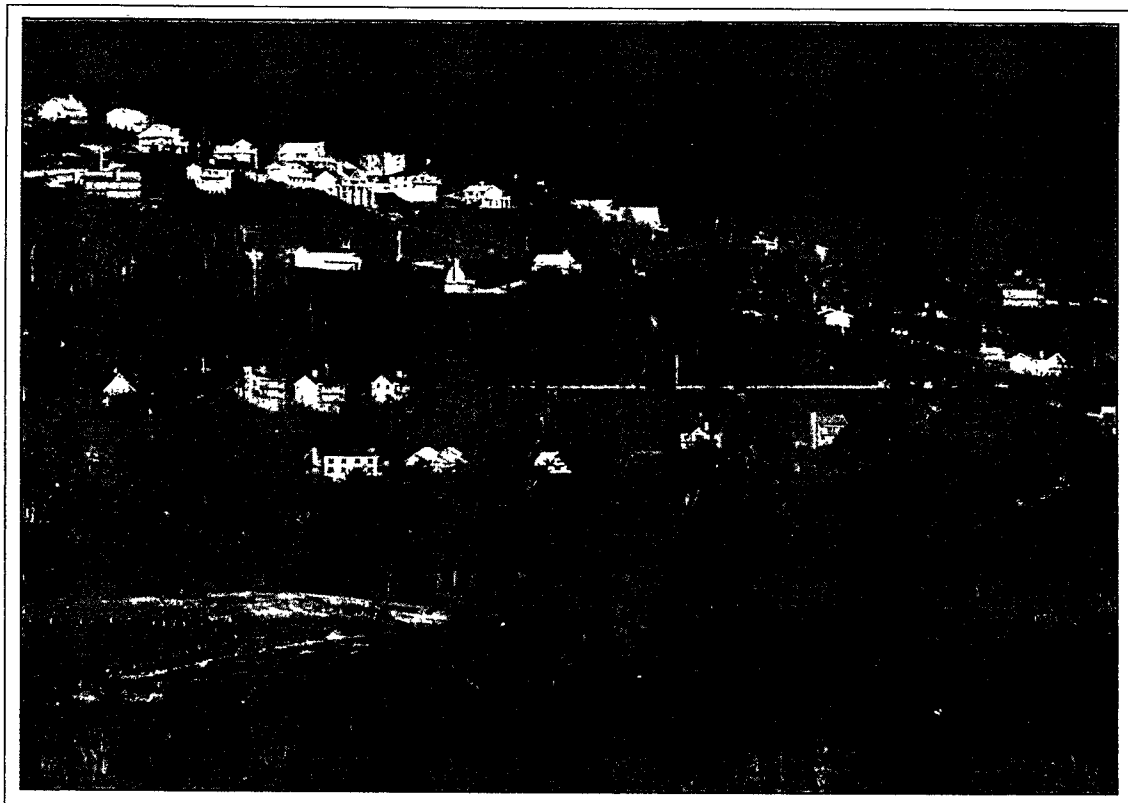
6. County has an active planning board/commission or a joint planning board/commission
7. County has a planning agency
8. Number of persons on agency staff
9. Number of active incorporated municipalities in the county
10. Number of municipalities that exercise extraterritorial planning/zoning

* A consultant from the state Division of Community Assistance is working full-time for two years on planning projects.

** Joint city-county planning department

—Dale McKeel

	1	2	3	4	5	6	7	8	9	10
Henderson			Y		Y	Y	Y	2	4	1
Hertford	Y		Y	Y		Y	Y	2	5	2
Hoke		Y	Y			Y	Y	2**	1	1
Hyde	Y				Y	Y	Y	1	0	0
Iredell	Y		Y	Y		Y	Y	3	5	3
Jackson						Y	Y	1	3	2
Johnston	Y		Y		Y	Y	Y	3	9	7
Jones			Y			Y			3	0
Lee	Y	Y	Y	Y		Y	Y	2	2	2
Lenoir						Y	Y	2	3	0
Lincoln	Y		Y		Y	Y	Y	3	1	1
Macon						Y			2	1
Madison				Y		Y			3	1
Martin									10	3
McDowell		Y							2	0
Mecklenburg	Y	Y	Y	Y		Y	Y	50**	7	3
Mitchell		Y				Y			2	0
Montgomery			Y		Y	Y			5	4
Moore			Y		Y	Y	Y	3	11	6
Nash			Y		Y	Y	Y	6	11	7
New Hanover	Y		Y	Y		Y	Y	10	4	2
Northampton			Y			Y			9	0
Onslow	Y		Y		Y	Y	Y	5	5	4
Orange	Y	Y	Y		Y	Y	Y	14	4	4
Pamlico	Y		Y	Y		Y			9	0
Pasquotank	Y		Y		Y	Y	Y	2	1	1
Pender	Y			Y		Y	Y	2	6	0
Perquimans	Y		Y			Y			2	1
Person			Y		Y	Y	Y	2	1	0
Pitt	Y		Y			Y	Y	3	10	6
Polk			Y		Y	Y	Y	1	3	1
Randolph	Y		Y	Y		Y	Y	5	8	5
Richmond									6	3
Robeson	Y		Y		Y	Y	Y	2	15	4
Rockingham	Y	Y	Y	Y		Y	Y	5	5	4
Rowan						Y			9	6
Rutherford		Y	Y			Y	Y	2	8	2
Sampson									7	6
Scotland			Y	Y		Y	Y	2	4	1
Stanly	Y		Y	Y		Y	Y	4	7	5
Stokes		Y		Y		Y	Y	2	3	2
Surry			Y		Y	Y	Y	2	4	3
Swain									1	0
Transylvania						Y	Y	2	2	1
Tyrrell	Y		Y			Y			1	1
Union	Y		Y	Y		Y	Y	5	7	1
Vance		Y			Y	Y			3	0
Wake	Y	Y	Y	Y		Y	Y	9	12	12
Warren			Y		Y	Y			3	1
Washington	Y	Y					Y	2	3	1
Watauga	Y	Y	Y		Y	Y	Y	6	4	2
Wayne			Y		Y	Y	Y	7	7	3
Wilkes	Y		Y		Y	Y	Y	3	3	2
Wilson	Y		Y		Y	Y	Y	1	6	4
Yadkin					Y	Y	Y	2	4	4
Yancey						Y			1	0
TOTAL	52	27	64	30	34	85	70	385.5	520	257



Hugh Morton

High-density construction along a ridge in Watauga County near Blowing Rock.

Holman points out that one of the goals of the Commission on the Future of North Carolina was that all of the state's 100 counties have a land-use plan by the year 2000. Mandatory land-use planning would be one way to accomplish that goal.¹¹

Still, there will be those who argue that a statewide program is unnecessary, like Grandfather Mountain's Hugh Morton, who believes the mountains are in need of special protection but is not convinced about the Piedmont. "We've already got CAMA for the coast," says Morton. "The main metropolitan areas of the Piedmont are implementing zoning on their own. I don't know that it's necessary to make it the whole state." The mountains, Morton argues, have certain characteristics that require a higher level of attention—like steep slopes that cause rapid runoff and stream-choking erosion when development isn't managed properly. And of course there is the scenic beauty that must be preserved if the region is to continue to attract the hordes of tourists and second-home settlers.

Morton believes there is a chance that the mountain region—properly approached—can be

nudged toward more management of growth. "Moderation is the key to everything," says Morton. "The people who want to build Rome in a day with zoning laws will get their ears pinned back. The people who are reasonable and moderate in their approach might get somewhere and might do some good."¹²

But Bill Gibson, director of the Southwestern North Carolina Planning and Economic Development Commission, believes efforts to encourage growth management in the mountain counties have failed. One way or another, he says, the time has come to require a stronger planning effort. What would Gibson, who works with the state's seven westernmost counties, see as minimum standards that every county should have in place to grapple with growth? "I think in general, pre-development ordinances are a good idea," Gibson says. "That way, the developer is forced to come in and touch all the right points—sedimentation and pollution control, water and sewer—before he ever begins developing the property. For a lot of governments here, the horse gets out of the barn before the

—continued on page 21

developer understands what is required and before local government knows that development is occurring." Subdivision regulations for the mountain counties also are a must, Gibson says.

Mandatory zoning, Gibson says, would go too far. "We're a long way from getting, or perhaps even needing, a county-wide land-use plan that gets down into very specific countywide zoning. We need more overlay kinds of procedures and processes that steer development."

Like Morton, Gibson is convinced that a certain level of development and growth is healthy. Indeed, promoting orderly growth is one of the roles of regional councils of government. "I am not in any way suggesting that we stop development—roadblock it," says Gibson. "I just want it done properly. We need to properly steer and guide and shoehorn development, if you will, so that it fits properly."

Option 3: The Case for Legislation that Attacks Specific Environmental Problems

There are also those who believe that neither regional nor statewide mandatory land-use planning is appropriate; they think the better course is legislation and regulation that attacks specific environmental problems. Examples are the high-quality waters regulations that control development along 900 miles of North Carolina streams and rivers, including mountain trout streams, and the statewide Watershed Protection Act, which requires counties to control land use and density of development in watersheds.¹³ "We're interested in watershed protection," says Joe Furman, Watauga County planning director. "One of the major goals for Watauga is protection of our water supply. It's an issue that natives and newcomers can agree on." Broader land-use planning, on the other hand, is "a local government function," says Furman. "It's a choice that local governments have to make."

Yet these water quality protection laws have been described as "land-use management creeping up the rivers and creeks." Furman concedes that

*Any fool can destroy trees.
They cannot run away; and if
they could, they still would be
destroyed—chased and hunted
down as long as fun or a dollar
could be got out of their hides.*

—JOHN MUIR

he sees no other way to enforce the density requirements of the Watershed Protection Act except through zoning. And citizens and politicians across the region are complaining that the guidelines were developed with too little local input.

Virgil Odell, co-chairman of the Cherokee County Board of Commissioners, is deeply troubled by the high-

quality waters designation, which he says will block needed development. "It'll ruin us," says Odell. "It'll keep us from building new homes. We can't have no factories in here. . . . The Sierra Club out of California is what's got us all buffaloed. If you read the fine print, it's all in there. It's one of the zoning outfits." Odell is not flatly opposed to all land-use regulations, but he says mountain waters are as clean or cleaner than those of the Piedmont, and he resents outsiders coming in and dictating what Cherokee County citizens can do with their property.¹⁴

And Odell is not alone in bemoaning the impact of these water quality protection measures. Region D Council of Governments director Dick Fender says county officials in the northwest are in an uproar about the Watershed Protection Act. In Wilkes County, for example, watersheds make up 90 percent of the county. "That effectively makes it a no-growth county," says Fender. "With the initial regulations, obviously not a hell of a lot of thought was given to the expense and impact. It puts us in a defensive, aggressive posture." Adding mandatory land-use controls to the mix, says Fender, would be "a lot for people to swallow."¹⁵

Option 4: The Case for Doing Nothing

Fender says the timing is wrong for any kind of comprehensive land-use planning program. "We are experiencing problems, yes, as a result of growth, and we need regulation. But I'm not sure it's salable right now in our region and throughout the [mountain] region." Some, like Johnson, the real estate developer, say the best course is to let local land-use ordinances evolve at their own pace. "I am all for certain ordinances that control the use of land in a highly congested situation, like a

municipality," says Johnson, noting that two unincorporated Buncombe County communities—Limestone and Beaver Dam—have elected on their own to have zoning. "I think the only thing to do is leave it alone and let the local communities work it out."

Other communities across the mountain region are taking similar actions. Unincorporated Flat Rock in Henderson County has had zoning since 1967. Cashiers residents in Jackson County are debating whether they should incorporate in order to zone. Avery County has gotten a state grant so it can implement a planning program. Valle Crucis in Watauga County has made itself a historic district to preserve the community and protect it from unsightly development. Foscoe-Grandfather, a commercialized strip of Watauga River Valley along the main route to several ski resorts, is in the process of incorporating. (See page 12 for more on how Foscoe-Grandfather and Valle Crucis are grappling with growth.) The Foscoe-Grandfather Community Council has accomplished one major goal—zoning to protect what is left of the community's rural heritage. And there are other examples. But will these efforts be too little, too late? A number of mountain leaders fear the answer may be yes.

Dick Miller, a former Ashe County manager and now president of the local chamber of commerce, says efforts to establish land-use planning in that county have been futile despite a pressing need. The planning board saw a year and a half of work on it's subdivision regulations thwarted when the county commissioners—under heavy political pressure—repealed them after only six months on the books. "Everybody agrees that, 'Yeah, something ought to be done. We don't want to see Ashe County become another Watauga or Maggie Valley, but no, don't tell us what to do with our land,'" says Miller. "We've got a lot of rubber tire tourists coming this way, and we're doing our best to attract tourists, but the very beauty that attracts people to the area stands to be lost if we don't plan for growth."

Ashe County Manager Mike Dixon says the subdivi-

sion regulations were repealed because county residents worried that they could not divide their land and pass it to their children without getting approval from the county. He says he would rather have Ashe County implement regulations on its own than have the state require them, but he concedes that for the short term, any local land-use planning initiative is unlikely.

These kinds of political stalemates at the local level have caused some mountain leaders to conclude that prompting is needed from the state. "Somewhere along the line, we need to do something," says Bjorn Dahl, U.S. Forest Service supervisor for the national forests in North Carolina. "Government needs to take a leadership role." Dahl says he sees private forests being "logged, subdivided, and put into residential, commercial, and industrial use" at an alarming rate. He worries about what that will do to the ecosystem. Highway system improvement and expansion will only accelerate the trend. And Dahl sees a disturbing lack of forethought in local government decision making. "There is no county planning or zoning, no deliberate thinking about where this is going to go and where that is going to go. . . . There has to be a regional sense of how are we going to deal with all these things."

Tom Massie, Jackson County director of planning and economic development, agrees that the current hodge-podge of isolated local planning efforts is not enough. "We have to have something



Mike McLaughlin

on a regional basis to coordinate efforts in western North Carolina. Otherwise, the richer counties are going to make the investment to protect whatever their quality of life is, and the poorer counties are not going to be able to afford to do that." And Massie says the time to act is now. "We're where Florida was 20 years ago," he says. "They're one of the most restrictive states in the nation, but it doesn't do a whole lot of good because everything they can develop has been developed. It's a case of closing the barn door after the horse is out."

Adds Gibson of the Southwestern North Carolina Planning and Economic Development Commission, "You talk to folks privately who are county managers or commissioners and you will get general agreement that we are already behind the eight ball and need to get into growth management in a more functional way than we are now. To get that same thing said and supported in a public way is a different question."

Approaches for the State

Given the region's reluctance to plan for and manage growth on its own, how should the state approach the problem? The options for protecting mountain resources, again, are: (1) regional land-use planning; (2) statewide mandatory land-use planning; (3) more problem-specific laws like the Watershed Protection Act, or (4) voluntary local land-use planning with new incentives from the state. And of course there is always the option of doing nothing and letting "the market" decide. Here are a few avenues for putting any one of these options in place:

(1) *The legislature could enact a Mountain Area Management Act, revising the original proposal to assure adequate local input, perhaps even adding the opt-out provision included in the ridge law.* This would bring a minimum level of planning to the least regulated region of the state. Through the designation of areas of environmental concern, precious resources could be protected from exploitation, and mountain residents would have some assurance that their quality of life would be protected for future generations.

The pitfalls? The politics of imposing planning on a single region of the state could make this a difficult campaign from the start. There is precedent with the Coastal Area Management Act, but there is also precedent for a mandatory regional planning program going down in flames. Including an opt-out provision creates the potential that the law would be gutted, even if it were enacted.

Do not worry about sending money as I have sold off a little more land, we will get by fine.

—LEE SMITH, *FAIR AND TENDER LADIES*

The process for getting projects approved under the act would add a new set of administrative hoops for developers, and there would be added expense for taxpayers. The Coastal Resources Commission, which administers CAMA, has an annual budget of about \$3 million.¹⁶

(2) *The governor or the legislature could appoint a blue-ribbon task force to set about formulating a mandatory and comprehensive land-use planning program for the state of North Carolina.* Georgia did this with an umbrella panel known as the Governor's Growth Strategies Commission. Representatives of all interest groups—business, developers, environmentalists, government officials, and private concerned citizens—were brought into the deliberations, and the end result was a growth management package that everyone could support.¹⁷ The package included carrots for local government like money for water and sewer, highways, and planning, but it also carried two big sticks—withholding of state funds for local governments that did not participate and the promise that if appropriate land-use plans were not prepared on the local level, the state would step in and do the job.

Such an approach in North Carolina would be promising for a number of reasons. It would bring some uniformity to planning efforts across North Carolina. Although Piedmont and eastern counties are ahead of the mountains in planning at the county level, not all of these counties are doing the job. And there is a clear need for more regional planning and cooperation in such areas as land use, transportation, and waste management. The drawbacks are cost and the creation of another state bureaucracy. Georgia is spending \$3 to \$4 million on just the planning elements of its growth management program. The total package, including loans and grants to local government, comes to more than \$30 million. But as Holman puts it, planning for the future of North Carolina is an

—continued on page 26

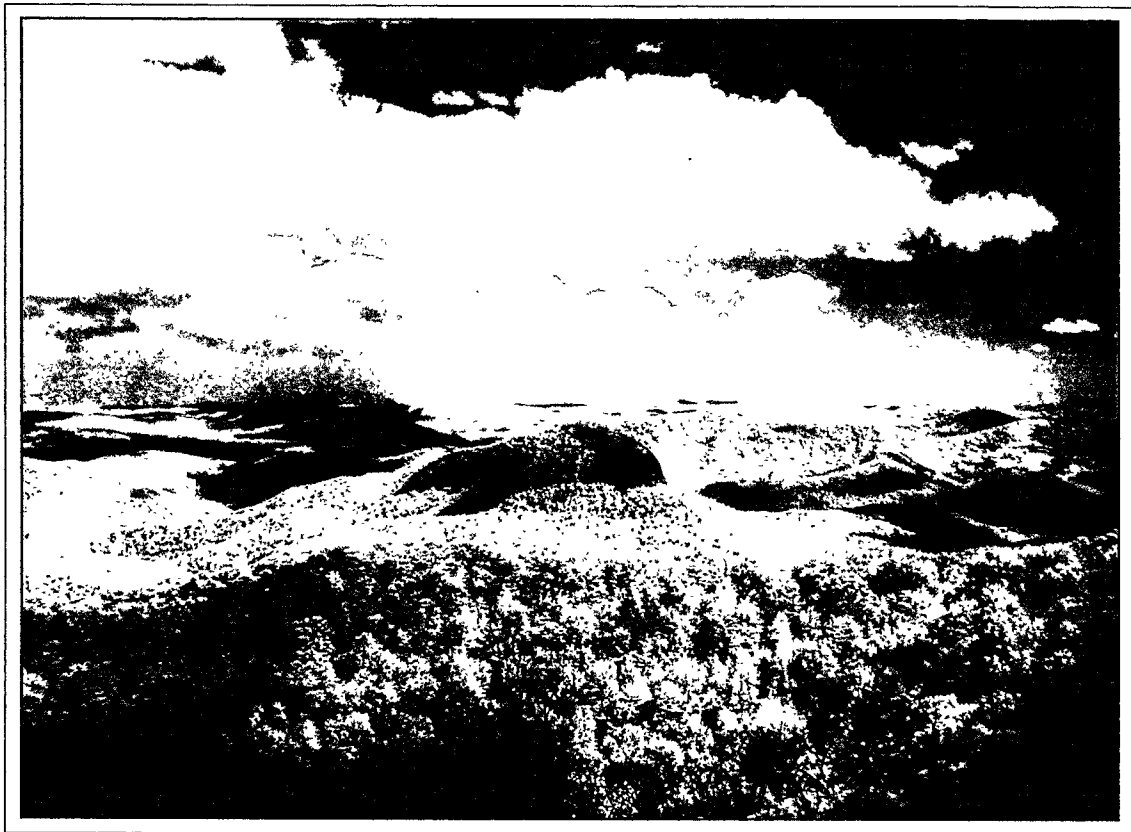
Table 4. Opinions On Land-Use Planning in North Carolina, June 1990

Category	Coast	Mountains	Piedmont & East	State- wide
1. In respondent's opinion, what is attitude of citizens in the county toward land use planning?				
<i>Strongly support or support</i>	12 60%	7 29%	28 50%	47 47%
<i>Neutral</i>	2 10%	3 13%	10 18%	15 15%
<i>Strongly oppose or oppose</i>	4 20%	9 38%	9 16%	22 22%
<i>Don't Know</i>	1 5%	0 0%	4 7%	5 5%
<i>Opinions vary—cannot be categorized</i>	1 5%	5 21%	5 9%	11 11%
2. In respondent's opinion, what is attitude of citizens in the county toward zoning?				
<i>Strongly support or support</i>	6 30%	3 13%	23 41%	32 32%
<i>Neutral</i>	1 5%	4 17%	10 18%	15 15%
<i>Strongly oppose or oppose</i>	8 40%	13 54%	13 23%	34 34%
<i>Don't know</i>	4 20%	0 0%	5 9%	9 9%
<i>Opinions vary—cannot be categorized</i>	1 5%	4 17%	5 9%	10 10%
3. In respondent's opinion, would county have more interest in preparing land use plans and implementing land use measures if additional funds were available from the state?				
<i>Yes</i>	14 70%	17 71%	49 88%	80 80%
<i>No</i>	5 25%	5 21%	6 11%	16 16%
<i>No Answer</i>	1 5%	2 8%	1 2%	4 4%

Category	Coast	Mountains	Piedmont & East	State- wide
4. Should the state require each county to prepare a land use plan?				
<i>Strongly support or support</i>	13 65%	10 42%	43 77%	66 66%
<i>Neutral</i>	0 0%	7 29%	5 9%	12 12%
<i>Strongly oppose or oppose</i>	0 0%	3 13%	3 5%	6 6%
<i>Don't know</i>	0 0%	3 13%	2 4%	5 5%
<i>No answer</i>	7 35%	1 4%	3 5%	11 11%
5. In respondent's opinion, has the county within the past ten years been adversely affected by a large scale development in a neighboring town or county?				
<i>Yes</i>	4 20%	3 13%	13 23%	20 20%
<i>No</i>	16 80%	19 79%	42 75%	77 77%
<i>No Answer</i>	0 0%	2 8%	1 2%	3 3%
6. Would respondent support a system that would allow regional review and approval for development projects that, due to their size, character, or location, have an impact on the citizens of more than one county?				
<i>Yes</i>	10 50%	14 58%	31 55%	55 55%
<i>No</i>	9 45%	5 21%	18 32%	32 32%
<i>No Answer</i>	1 5%	5 21%	7 13%	13 13%

Note: As defined for these tabulations, there are 20 coastal counties, 24 mountain counties, and 56 Piedmont or eastern counties. These opinions represent the views of the county-level officials, in most cases county managers or planners, who filled out the Center survey. Percentages for each category may not add up to 100 due to rounding.

—Dale McKeel



Hugh Morton

A view of Looking Glass Rock in the Smoky Mountains southwest of Asheville.

appropriate and neglected role of state government. The nine-year Transportation Improvement Program for prioritizing highway needs is one of the few long-range efforts. "It's actually incredible how little planning is done by the state," says Holman.

(3) *The state could set minimum standards for county planning and regulation and force all 100 counties to comply.* Every county could be required to have a planning department; each county could be asked to enact a land-use plan and adopt subdivision regulations. The state could appropriate money to finance these new planning efforts, or it could use existing aid to local governments as leverage. "I bet if you told counties their state sales tax revenue would be denied unless they came up with certain things by a certain date, I bet they'd all be done," says Tom Foxx, a leader in the Watauga County community of Foscoe-Grandfather and a former state planner. Of course, local government officials would scream bloody murder about more regulations coming down from

Raleigh without the money to implement them. Local officials would say they are already strapped with expensive solid waste management programs, with new watershed protection expenses, and countless other burdens put upon them by state government.

But as Foxx puts it, why should citizens across North Carolina pay because a county hundreds of miles away with a relatively low property tax rate has failed to protect its resources? An example, he says, is Avery County, which has the lowest property tax rate in the state but has received a state grant to implement its planning program. "Is it fair for the citizens of New Hanover County to pay for Avery to have a planner because the commissioners won't pay for it themselves?" asks Foxx. The grant is for a two-year pilot project, but Foxx says the budget of the Department of Environment, Health, and Natural Resources will not be reduced by the amount of the grant at the end of the two-year period. Besides the fairness issue, it's another way that pork

barrel politics fuel growth in the overall state budget, says Foxx.

But Morton, one of Avery County's biggest landowners, strongly defends the state-funded planning program. "Having lived in New Hanover County, I know that there are many things peculiar to coastal communities that the state does for that county that it does not do for Avery," says Morton. "None of us who know the benefits of planning should undercut any responsible planning project, particularly when it deserves to be understood that the one in Avery is a pilot project on untilled soil designed to show the good that planning can do."

(4) *The state could make money or other incentives available for counties to do land-use planning, but not force them to do it.* "I would suggest that the implication that it is necessary to bypass the established and open decision-making processes of local governments made up of elected officials in order to make rational public policy bears some examination," says Jim Blackburn of the North Carolina Association of County Commissioners. "It is not unusual for groups to 'expand the scope of conflict' and seek satisfaction at one level of government when they receive an

unwanted answer at another." To justify "imposing policy from above," as Blackburn describes it, would require a clear showing of compelling need and a consensus on local government's inability to handle the problem on its own.

"I'd like to see incentives given for those kinds of plans, rather than have them made mandatory," says Furman, the Watauga County planner. "I believe if we presented our counties with the information, local support for some kind of planning would develop," adds Rep. David Diamont (D-Surry), who represents five western counties and was involved in legislative debate on the Mountain Area Management Act and the Ridge Law. "It has to be a bottom-up decision. The state should encourage planning, but local officials must be the leaders."

But a number of land-use plans were prepared for mountain counties during the 1970s, using mostly federal dollars, only to be rejected by county commissioners or to be adopted and ignored. To protect against this happening in the 1990s, the state could set out a process for preparing land-use plans that assures adequate public input and makes funds available, but requires the counties to reimburse the state if they fail to adopt a plan within a given time frame.

Land-Use Planning: What Have Neighboring States Done?

States that border North Carolina differ greatly in their approaches to land-use planning, from leaving it up to local governments to imposing a highly structured and comprehensive state planning process. In Tennessee and South Carolina, the system is much like North Carolina outside the 20 N.C. counties governed by the Coastal Area Management Act. Local governments decide whether they will create a planning commission, produce a land-use plan, or implement zoning and subdivision regulations. Virginia has moved one step further by requiring local planning, and Georgia, with its 1989 Growth Strategies Plan, has embraced one of the nation's more ambitious land-use planning programs.

The Code of Virginia was updated in the mid-1970s to require each county and independent city to have a local planning commission.¹ In turn, each planning commission is required to prepare a land-use plan and subdivision ordinance for adoption by the county or city government. Though the law lists elements to be included in land-use plans and subdivision ordinances, there is no regional or state review of these documents. Land-use plans must be updated and re-adopted by the local governing body every five years.

Georgia, however, has melded mandatory local land-use planning into a comprehensive economic development package, the Growth

—continued on next page

Additional incentives could be offered to counties that participate in regional planning.

Such an approach would leave gaps where counties chose not to participate, but making money available to address a recognized need may be all that is required to prompt counties to act,

*If people in general could be
got into the woods, even for
once, to hear the trees speak
for themselves, all difficulties
in the way of forest
preservation would vanish.*

—JOHN MUIR

and local control would be preserved. The state could revisit the issue five years down the road and examine whether the response had been sufficient to protect mountain resources, or whether there was a need for stronger intervention.

The risk is that the people of the North Carolina mountains would sit

Land-Use Planning, *continued*

Strategies Plan. The plan was developed from recommendations made by the 35-member Governor's Growth Strategies Commission, a bipartisan public-private group formed in 1987 by Gov. Joe Frank Harris. The genius of the plan was that it linked the bitter pill of mandatory local planning with the sweet promise of sharing the wealth of economic development that gravitates mostly toward Atlanta.

"The Growth Strategies Plan came into being because of perceived disparities in economic prosperity and quality of life in the state—with one large city, Atlanta, a few medium-sized cities, and the rest of the state predominantly rural," said Michael Gleaton, assistant director of the state's Office of Coordinated Planning.

Georgia's growth plan assigns responsibilities to three levels of governments—local, regional, and state. Local governments, both cities and counties, prepare and adopt plans. Regional development centers—similar in some ways to North Carolina's regional councils of government—review and approve local plans and use them in preparing regional plans. State government defines the framework in which planning takes place and provides needed funding.

"I believe something approaching the Georgia system would be good for North Carolina," says Bob Shepherd, director of the Land of Sky Regional Council of Governments in Asheville. "I think that approach makes a lot of sense. You look at things on a regional basis

and the legislation spells out the role of the regional development centers."²

The growth plan recognizes the interrelationship between land use and numerous other factors. Local plans must be comprehensive, which means that they must address population and demographic changes, economic development, natural and historic resources, community facilities, housing, and land use. The planning process encourages local governments to evaluate their current situation and produce a statement of community needs and goals. The local government must then produce a short-term work program, a five-year plan of specific actions to address the stated needs and goals.³

"I visit many communities—and many of them are reluctant to plan their growth," says Gleaton. "But I tell them that if they don't plan their growth, someone will do it for them. . . . By getting involved in the planning process, communities can give the private sector a guide to the way growth should occur."


Local plans are to be disapproved by regional development centers if they do not meet the state's minimum standards and may be disapproved if they are inconsistent with plans from neighboring communities. The state can deny funding assistance for infrastructure to local governments that lack an approved plan. All communities must produce a plan by October 1995, and plans must be updated every 10 years.⁴

Nationally, the traditional leaders in state land-use planning have been Hawaii, Florida, Oregon, California, and Vermont.⁵ For instance, both Florida and Oregon, like Georgia,

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on their hands and do nothing while haphazard growth worked its will on the region. There would have to be some trust—that people in small towns and rural counties could sit down and plot their own destinies. And it would take a willingness to accept that all wisdom does not reside in Raleigh or Washington. But it is at least conceivable that encouraging local people to protect their own back yards is the most efficient way to protect the North Carolina mountains. And it is clearly the least intrusive way.

Whatever the approach, the mountains are a

North Carolina treasure, and there is a clear state interest in preserving them for future generations to enjoy. How far the state needs to go in regulating growth across the region and what the state's role ultimately should be is a question that is yet to be resolved. But clearly it is a question that must be addressed—and soon. 

FOOTNOTES

¹A brochure handed to visitors at The Blowing Rock makes two references to snow that falls upside down,

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Land-Use Planning, *continued*

require cities and counties to prepare and adopt comprehensive plans, and each state reviews these plans to ensure that they are consistent with plans of neighboring communities, and with regional and statewide plans. Public participation in preparing and implementing plans is an important part of the process in both states.

This spread of state mandated local land-use planning is being eyed warily in some quarters. "There is a certain amount of sharing of legislation on the part of national or regional groups, independent of whether the legislation matches the needs of other states," says Jim Blackburn of the North Carolina Association of County Commissioners, which represents more than 500 local elected officials. It is important that any kind of mandatory land-use planning program be tailored to the needs of North Carolina, Blackburn says, and that affected parties like local elected officials have a role in developing legislation to create such a program. "A certain number of local officials are reluctant to get too far out front of their constituents," says Blackburn. "If the bill were structured correctly, those folks would sign on."

And then there are the advocates of unfettered enterprise who equate these statewide planning efforts with creeping socialism. "The idea that some intellectual can plan how growth and development ought to be done is pure communism," says Bill Johnson, an Asheville real estate developer.

Still, land-use planning regulations seem to proliferate as population density increases,

and many states are stepping in to orchestrate. Florida, in trying to cope with surging population growth, has moved to make sure that infrastructure is in place to handle new development as it occurs, through what are known as concurrency requirements. These laws ensure that sufficient public facilities and services such as parks and water and sewer will be available before permits are issued to begin construction. Even road capacity is taken into account.

Florida also learned about the power of the purse in prompting local government to plan. The state's first law requiring every city and county to adopt a comprehensive plan was passed in 1975. The legislature did not allocate planning funds to local governments, however, and many cities and counties did not comply. The 1985 bill, recognizing this deficiency, initiated state funding for local planning. Since then more than \$22 million has been appropriated, and compliance has soared.⁶

—Dale McKeel

¹Code of Virginia, Title 15.1, Chapter 11, Article 1, as amended.

²Unlike the regional development centers in Georgia, the powers of North Carolina's regional councils of government are only advisory. For more on the role of COGs in North Carolina, see "Regionalism in North Carolina," a pro-con discussion in *North Carolina Insight*, Vol. 7, No. 2 (October 1984), pp. 42–51.

³Ga. Annotated Code 50–8–7.1(b)(1)

⁴*Ibid.*

⁵Ann O'M. Bowman, and Richard C. Kearney, *State & Local Government* (Boston: Houghton-Mifflin, 1990), p. 407.

⁶John M. DeGrove, "The Politics of Planning a Growth Management System: The Key Ingredients for Success," *Carolina Planning*, Vol. 16, No. 1 (Spring 1990), pp. 35–44.

view, Vol. 77, No. 6 (November-December 1988), pp. 502-503.

³Chapter 740 (HB 694) of the 1989 Session Laws.

⁴Warren Bennis, *On Becoming a Leader*, Addison-Wesley Publishing Co., Reading, Mass., 1989, pp. 14 and 42.

⁵John Gardner, *On Leadership*, The Free Press, New York, 1990, p. 176.

⁶Carl M. Moore, "Who Participates In Community Leadership Programs And Why Are They So Motivated To Do So?", *Leadership News*, newsletter of the National Association for Community Leadership, Vol. 8 (Spring 1990), p. 4.

⁷For more information on what individual leadership programs are all about, see *Leadership Education 1990*, a new

source book by Miriam B. Clark and Frank H. Freeman, available from the Center for Creative Leadership. For a profile of 78 different leadership programs, see Jane Kendall, ed., *Combining Service and Learning*, National Society for Internships and Experiential Education, Raleigh, 1990, Vol. II, pp. 293-483.

⁸Suzanne W. Morse, Book Review of *Leadership Education 1990* in *Experiential Education*, National Society for Internships and Experiential Education, Vol. 15, No. 6 (Nov.-Dec. 1990), p. 8.

⁹Roberta Miller, "Business As Usual Is Not Enough," *National Civic Review*, Vol. 77, No. 6 (November-December 1988), pp. 543-556.

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including the following: "The current of air flowing upward from The Rock prompted the Ripley 'Believe-It-Or-Not' cartoon about 'the only place in the world where snow falls upside down.'"

²County managers and administrators in all 100 counties were surveyed by mail in June 1990. Those who did not respond got a second mailing, and the Center followed up this mailing with telephone interviews for a response rate of 100 percent. In some cases, county managers channeled the questionnaire to appropriate staff persons, such as county planners.

³Chapter 1284 of the 1973 Session Laws (2nd Session), now codified as G.S.113A-100-128.

⁴HB 1374 of the 1973 session, H.B. 596 of the 1975 session.

⁵See, for example, John M. DeGrove, "The Politics of Planning a Growth Management System: The Key Ingredients for Success," *Carolina Planning*, Vol. 16, No. 1, Spring 1990.

⁶For an evaluation of the performance of the Coastal Area Management Act in regulating coastal development, see Bill Finger and Barry Jacobs, "Coastal Management A Planning Beachhead in North Carolina," *N.C. Insight*, Vol. 5, No. 1 (May 1982), pp. 2-13. For more on North Carolina's land resources and tensions between planning and development, see Larry Spohn, "Protecting the Land and Developing the Land: How Can We Do Both?" *North Carolina Insight*, Vol. 10, No. 2-3 (March 1988), pp. 94-106; and Bill Finger, "How Do We Gauge Progress or Decline in Land Resources?" *North Carolina Insight*, Vol. 11, No. 1 (October 1988), pp. 15-20.

⁷Randy Schenck, "North Carolina Conservation Issues," *Footnotes*, the newsletter of the North Carolina Chapter of the Sierra Club, March 1990, p. 8.

⁸"Provisional Estimate of the Population of North Carolina Counties as of July 1, 1989," North Carolina Office of State Budget and Management, Management and Information Services, July 1990, pp. 4-5. The five fastest growing counties and the percentage increase in their populations between 1980 and 1989 were: Dare, 70.4 percent; Brunswick, 44 percent; Wake, 32.8 percent; Currituck, 29 percent; and Carteret, 25.2 percent. Of these five counties, only Wake is not covered by the Coastal Area Management Act. Henderson was the fastest growing mountain county at 20.1 percent, followed closely by Macon County at 18.2 percent. Preliminary 1990 U.S. Census Bureau population counts were released to local governments for review in the fall of 1990. Final figures will

be released to state officials in early 1991.

⁹Chapter 676 of the 1983 Session Laws, now codified as G.S. 113A-205-214.

¹⁰Ga. Annotated Code 50-8-7.1(a)(1). See also Joel H. Cowan, "Quality Growth Partnership, The Bridge to Georgia's Future," final report of the Governor's Growth Strategies Commission, Nov. 2, 1988, pp. 13-15.

¹¹*The Future of North Carolina: Goals and Recommendations for the Year 2000*, report of the Commission on the Future of North Carolina, N.C. Department of Administration, 1983, p. 148.

¹²Morton has himself become the target of criticism because of plans to sell 900 acres on the lower slope of Grandfather Mountain for development. Morton says he is minority owner in a partnership and therefore cannot control the decision to sell the property. "The land in question is down in the valley from the high ground land that I own that is usually considered to be Grandfather Mountain," says Morton. "I have not offered for sale any Grandfather Mountain land that came to me in 1952 in the division of family property, other than to provide right of way and buffer zone for the Blue Ridge Parkway, so the high ground of Grandfather Mountain is thoroughly protected. That is land I control, and it is wrong for anyone to implicate me with regard to land I do not control."

¹³Chapter 426 (HB 156) of the 1989 Session Laws, now codified as GS 143-214.5.

¹⁴A spokesperson for the Division of Environmental Management in the Department of Environment, Health, and Natural Resources says the high quality waters regulations would not prevent industrial or residential construction along a designated stream but would hold development in these areas to higher standards. For example, an industry along a native trout stream would have to pre-treat any waste water and take it to a county or municipal treatment facility rather than discharging it directly into a stream. Residential construction beyond a density of one house per two acres would require a storm water detention system to control runoff.

¹⁵Bradley Bennett, an environmental engineer in the Division of Environmental Management, says restrictions will not necessarily apply to an entire watershed. He says it has not yet been determined how much acreage in Wilkes County will fall under the regulations.

¹⁶Chapter 1066 (SB 1426) of the 1989 session laws.

¹⁷Cowan, p. 4.