

Western North Carolina Planning Policies: A Decade in Review

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Our grandchildren and great-grandchildren must have pure air, clean water, park lands, mineral and timber resources, and rich soil. If we destroy these, the Lord may forgive us, but our children and grandchildren will not. Former Congressman Roy A. Taylor, who represented the mountain region from 1960 to 1976.¹

In December 1981, a joint project of the Center for Urban and Regional Studies (The University of North Carolina at Chapel Hill) and the Center for Improving Mountain Living (Western Carolina University), supported by the Lincoln Institute for Land Policy, issued a report entitled *Growth Management and the Future of Western North Carolina*.² According to that report, the "future" for environmental protection and land-use planning in western North Carolina was about ten years away. The report anticipated that interest in "growth management" would increase when county leaders recognized the need for balance between economic development, traditional lifestyles and the environment.

Nearly eleven years have passed since publication of that report, and, true to the prediction, concern about

those issues appears to be increasing throughout the region. For example, in the early eighties, leaders of all eight of the environmental interest action groups in the region would meet periodically around a single, small conference table to discuss issues of mutual interest. Today, there are over 50 such groups active throughout the region. While some of these groups focus on only a single issue, others are involved in a broad array of environmental and land-use concerns.

Then, as now, public sentiment on the appropriate role of individuals, communities and local, state and federal government agencies in environmental and land-use planning ranges from absolute *laissez faire* individualism to state and federal dominance. However, it now appears public sentiment increasingly favors community and local government responsibility for these decisions.

The 1981 study found that most western North Carolina county budgets were considerably smaller than the state average, with the majority of each budget being devoted to school systems. While county budgets have generally kept pace with inflation, the western counties remain in the same position relative to the rest of the state. Many counties still have no full-time administrator or manager. In some counties, one of the county commissioners also serves as the county manager. Only six of the westernmost seventeen counties list the position of county planner in the 1992 *Directory of State and County Officials in North Carolina*. Other county employees who have a major role in land-use matters are the building inspectors and sanitarians who are responsible for enforcing state-mandated building codes and septic tank regulations.

This lack of local personnel and financial resources is troubling to those people who prefer local control of planning decisions. They recognize that unless local communities begin to take responsible actions to con-

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trol their own destiny, the state is likely to impose undesirable regulations. A variety of surveys conducted in mountain counties in the past three years reflects this recognition. A recent survey conducted of all Macon County property owners indicates that a majority of respondents favor a stronger local role in planning for the county.

The 1981 report also provides a telling reminder about the fate of previous attempts by the General Assembly to mandate land-use planning in the mountain region without local input. The report suggests that the most significant result of the 1973 and 1975 gubernatorial and legislative initiatives to enact the Mountain Area Management Act may have been to solidify regional opposition to any form of government action in land matters.

The 1981 report set forth a series of recommendations for state, local, regional and federal actions necessary to bring about an appropriate balance in the "three-legged stool" of individual lifestyle, environmental protection and economic development. These recommendations were distilled from suggestions made by "local leaders," defined as county commissioners, health directors, sanitarians, planners, savings and loan officials, builders and realtors in representative counties throughout the western region.

What follows is a summary of several recommendations from the 1981 report, a short commentary on governmental or community action in the intervening eleven years and observations about the relevance of the recommendations in late 1992.

State Government

1. Improved enforcement of existing regulations. Suggested maximum enforcement of existing state regulations (sedimentation control, septic system, building codes) before imposing additional regulatory requirements. Such enforcement should include adequate funding and staffing, and take into account the unique terrain in the mountain region.

Update: Continued growth coupled with cutbacks in state and federal funding for local programs have resulted in increased local responsibilities with little or no increase in funding or staff support. In many counties, personnel cannot meet the demand for enforcement of current regulations. The limited personnel and travel funds hinder enforcement of current erosion control regulations in many rural parts of the mountain region and severely restrict the initiation of substantive programs focused on education and prevention.

2. Focus on local governments. Recommended that new state land-use and environmental regulation of



Burley tobacco field in August.

local activities use the "state-mandated, local-enforcement approach," with appropriate phasing-in periods to allow for staff and public education.

Update: While the 1983 "North Carolina Ridge Law" is an example of the suggested approach, the more recent 1991 "Draft Watershed Protection Rules" signaled a return to the "Raleigh knows best" attitude. The "Ridge Law" was initiated because of concerns expressed by mountain residents about the environmental, aesthetic and public safety affects of high-rise ridge-top development. It provides local residents with the opportunity to adopt the state law, develop a comparable county ordinance or opt, by referendum, to impose no regulation on such development. In contrast, the Watershed Protection regulations were developed and imposed with little effective participation on the part of those property owners and local community leaders affected by the law.

3. *Add eligibility requirements to grants-in-aid programs.* Suggested that the state link local financial assistance to state policy initiatives such as the Balanced Growth Policy, and to local government capital-improvements planning.

Update: Several other states, including Florida and Georgia, have adopted the "carrot and stick" approach of either providing a financial inducement for local governments that undertake comprehensive land-use planning strategies or withholding development-related grant funds from those communities that fail to address planning issues.

4. *An increased role for education and extension.* Recommended that the state should build local-government capacity by sponsoring and conducting more workshops on environmental protection and economic development issues in rural areas, as well as developing "model" ordinances tailored to mountainous/rural terrain.

Update: While the Institute of Government at UNC-Chapel Hill has continued to develop professional education workshops and materials for local government officials, budget cutbacks curtailed travel allowances for local representatives wanting to attend such workshops, while also increasing workload demands on those representatives. Since 1981, the legislature has authorized only one two-year pilot effort, funding a planning position in Avery County to draft model ordinances. In addition, the state with funding from the Appalachian Regional Commission, created a special program in 1991 allowing counties to apply for assistance in generating local land-use maps. Program funding was limited to no more than \$30,000 per county for one year only. The state failed to provide the responsible administrative division with funding specifically earmarked for the program or for the necessary computer mapping equipment. This lack of commitment forced the Division of Community Assistance to seek private

foundation funding to acquire the necessary computer mapping hardware system needed by its regional office to assist local counties.

Local Government

1. *Increase use of impact assessments and subdivision regulations.* Suggested that local governments experiencing or expecting seasonal recreational development should adopt programs to anticipate and provide for increased demand for services. In 1981, counties had the authority to require environmental assessments for all developments greater than two acres. Assessments of size, terrain, water, sewer, road and maintenance suitability, and effects on county services and transportation could be required. Council of Government, Soil Conservation Service and the Departments of Natural Resources and Community Development field office staff were available to assist counties in evaluating such assessments. Counties were encouraged to consider requirements for vacation developments based on their size and future service demands. The suggested forms of such requirements included various permit fees, performance bonds or service maintenance funds, developer or homeowner association provision of certain services, subdivision plat review and minimum lot sizes. Most of these requirements could be triggered by a subdivision ordinance providing size thresholds for the proposed developments.

Update: As of June 1990, only seven of the 24 western-most counties in North Carolina had adopted a subdivision ordinance.³ Another county provides for predevelopment review of proposed large-scale developments. Burke County has adopted a Land-Use Management Ordinance (LUMO) as an alternative to a traditional zoning ordinance (See sidebar). The interest expressed by several county planning boards and many citizen groups in the Land-Use Guidance System further emphasizes the attraction of "functional" planning and management systems that meet local needs, include public participation and are realistic and practical.

2. *Focus on local capacity building.* Recommended that local governments expand their staff capabilities, using Soil Conservation Service and state field office staff resources more frequently. The report also suggested that the exploration of alternative arrangements, such as the use of part-time staff through contracts with councils of government, joint city-county staff and sharing staff among counties; and that existing staff meet state competency requirements.

Update: As of late 1992, no cities and counties in western North Carolina had established joint planning boards. Several counties have, however, contracted with their respective councils of government to provide project and technical services. The budget restraints of recent years have discouraged some counties from sending their staff members to competency-building education

A Functional Alternative to Zoning in Rural Counties

The Burke County, North Carolina, Land-Use Management Ordinance is patterned after the Bedford County, Virginia, Land-Use Guidance System (LUGS). Several other counties are considering the LUGS/LUMO approach. The Land-Use Management Ordinance is based on the County's Comprehensive Land-Use Plan's Goals and Objectives to promote growth while protecting the environmental integrity and physical aesthetics of the county. Violation of the goals and objectives would harm the common good and impose unnecessary burdens on the community and individuals affected by land development. Individual developments will not be predesignated for particular locations, as in traditional zoning, but rather must adhere to the principle of free use of property as long as such use does not impose an excessively negative burden on the environment or the community. Proposed changes in land-use are submitted to the county planning staff, which classifies the proposal as one of four uses: *Prohibited uses* include hazardous/nuclear waste disposal or storage, non-county established landfills, development that would destroy historic sites and flashing signs. *Exempt uses* include agriculture, bonafide farms, yard sales, produce stands, most signs and home occupations. *Uses-by-right* include single family residences and expansion of existing use not to exceed 50 percent of the current use. *Allowable/Permitted uses* include any use not otherwise considered prohibited, exempt or use-by-right.

The impact of a proposed development is evaluated on environmental and community guidelines. A rating system or Growth Guidance Assessment is based on a point system, considering (1) Percent of surrounding area developed; (2) Similarity of development in the area; (3) Proximity to designated growth areas; (4) Impact on the public school system; (5) Road characteristics affecting the site; (6) Air quality impact; (7) Distance from historic sites; (8) Type of water system; (9) Type of sewage system; (10) Distance to a fire station; and (11) Distance to a rescue squad or ambulance base.

The assignment of points is based on the preservation of the environment and on protection of prime agriculture land from unorderly growth. The second evaluation is based on a two-fold community impact criterion: the evaluation of tangible factors, including: percent of surrounding land which is developed, road access, public water and sewer access, and distance to schools, fire and rescue services, and similar factors. This evaluation encourages development in already established growth areas with easy access to public facilities. This reduces



Linville Gorge Wilderness Area in Burke County.

the scattering of development and allows for the efficient provision of public services. The second community impact evaluation requires a compatibility assessment. The developer is required to present his plans at a well-publicized open public meeting. The purpose of this meeting is to determine the project's impact on surrounding properties. The developer may choose to voluntarily implement changes to mitigate identified negative impacts. Should the project remain incompatible with the public good, the Planning Board, or other appropriate local board, can make a determination on the approval of the project based on all available evidence. The basic premise of LUMO is to make the proposal compatible with surrounding existing uses, not to find ways to deny a project. The compatibility meeting is intended to insure that new development does not have a detrimental effect on established uses. The best determination for harmonious growth is considered to be public opinion, particularly that of neighbors and adjacent land owners. LUMO creates a greater flexibility than traditional zoning because there are no predetermined use zones. The ordinance provides flexibility, fairness, speed in processing and public participation. If citizens of the county do not feel that LUMO will adequately protect their neighborhood, they can petition for a conversion to "Other Use Districts," or the establishment of a traditional zone. These zones may be residential-agriculture; medium density; office and institutional; neighborhood business; highway business; or industrial. To qualify for conversion, the land area must be at least one square mile with at least ten property owners; or contiguous parcels under separate ownership; or a single owner of at least 50 acres may request a change to an industrial district classification. Before a reclassification is approved, at least three-fourths of the property owners within the area must agree. ("Burke County Land-Use Management Ordinance," undated, unnumbered)

courses; however, in 1991, twelve county and community groups with assistance from the Western North Carolina Tomorrow, a citizen leadership council serving the seventeen westernmost counties in North Carolina, acquired matching funds that enabled over 50 community leaders to take field trips to study land-use systems in Virginia and Georgia. The commitment and follow-through of these county and community organizations to support hands-on training and information exchange reflects a growing recognition that new methods to meet rural planning needs must be understood and evaluated.

3. Experiment with joint public-private sector programs. Suggested that counties supplement local regulations by seeking cooperation from lending institutions and building and realty associations to incorporate criteria such as suitability for private water or sewer systems and site construction methods in subdivision development loan applications. Government staff should offer education programs for development-related groups, covering topics such as "best practices" for construction and state and local requirements. These programs could be offered at association meetings or sponsored through the continuing education offices of local community and technical colleges.

Update: Between 1985 and 1992, Western North Carolina Tomorrow distributed over 10,000 copies of an eleven-page booklet entitled *A Mountain Home--Before You Buy*, which advises new home buyers about special considerations in buying mountain property. Thousands of these booklets were purchased and distributed by county agencies, chambers of commerce, real estate agencies, community organizations and individuals. Another example of public-private cooperation was a regional conference on land-policy issues held in November 1992 sponsored by regional banks, educational institutions, state organizations, chambers of commerce and many other community and civic organizations.

4. Capital-improvements planning. Recommended that counties start capital-improvements planning and multi-year budgeting in order to estimate future service needs, costs, and county revenues. Planning for major infrastructure should be closely coordinated with land-use planning to maintain an attractive environment for continued economic development.

Update: Section 130A-309.08 of the North Carolina Solid Waste Management Act of 1989 requires counties and municipalities to determine the full cost of solid waste management within

the service area to encourage better planning of such facilities and services. The continued lack of planning boards or comprehensive county plans in many rural mountain counties discourages the coordination of economic development efforts.

Regional Agencies and Institutions

1. Expand outreach and extension programs. Suggested that educational institutions engage in more outreach programs and seminars in conjunction with local governments, private groups and each other. Programs should be directed at improving local staff knowledge and training in specific planning techniques and strategies. Institutions were also encouraged to experiment with joint research projects on such topics as the effects of growth and regional potential for resource and economic development.

Update: The many public and private postsecondary institutions throughout the mountain region have continued to expand their outreach to local communities. Each institution has engaged in individual initiatives, as well as cooperating in broader collaborative efforts. The authors have been directly involved in many of the activities of Western Carolina University, through its Center for Improving Mountain Living (CIML). CIML's Local Government Training Program, co-sponsored by the Institute of Government at UNC-Chapel Hill, offered 33 regional training events in 1989-91, with an average of 40 public officials attending each event. The Center has conducted housing needs studies for several counties in the region to help local governments develop effective strategies for affordable housing for elderly and low- to moderate-income families. In 1991, the two-



Christmas tree farm in Avery County.

day Western North Carolina Land Management Conference sponsored by many regional groups, including Western North Carolina Tomorrow (WNCT) and CIML, attracted community leaders, planning board members and interested citizens from throughout the region. In 1992, CIML and WNCT sponsored two field trips in which local officials and community leaders travelled to Georgia and Virginia to observe several prototype land management and economic development strategies working in rural mountain communities.

2. Assistance from councils of government. Recommended that the four councils of government serving the mountain region enter into ongoing cooperative staffing arrangements with counties and cities to provide local governments with needed expertise.

Update: The number of programs in which councils of governments assist local counties has increased. Funding, however, for staff regional positions is very limited. In some cases, the lack of resources inhibits the ability of regional councils to provide the needed technical assistance. There are, however, many examples of COG cooperation with local government. The Isothermal Council of Government has provided a full-time planner to counties for one year to assist in the development of a land-use plan. The Land-of-Sky Council has worked with Buncombe County to implement a solid waste composting program partially funded by the Tennessee Valley Authority.

Federal Government

1. Greater sensitivity to the local impacts of federal actions. Recommended that federal land agencies continue to evaluate the socio-economic impacts of their policies in the region, including resource development decisions and management plans. Federal regional networks should be expanded to include more local officials. Regional viewpoints should be incorporated in setting plan alternatives as well as issues. Results of impact analyses should be widely distributed and discussed with local leaders as well as other groups. The extent to which local impacts will influence federal land policy decisions should be clarified.

Update: The ability of federal agencies to adequately address local impacts in assessing federal actions is still a major point of discussion in the region. Over the past ten years, the opportunity to make public comments on federal decisions has increased. Whether this opportunity has been accompanied by increased responsiveness is a question that receives many different answers, depending on the agency and the project or program.

2. Coordinate economic development programs with local growth strategies. Suggested that federally-funded economic development activities be coordinated with local or regional growth strategies. The Tennessee Valley Authority should tie its efforts more closely to the Appalachian Regional Commission, as well as to state

and regional strategies. The role of public lands in stimulating the private recreation industry should be examined.

Update: The lack of local and regional growth strategies, particularly in the more rural counties, continues to inhibit the coordination of federal economic development programs with local growth strategies. Little research has been done regarding the impact of federal public-land management decisions on the private recreation industry, although the U.S. Forest Service has researched the economic value and impact of different TVA lake-level management strategies.⁴ Subsequently, TVA changed its lake-level drawdown policy to the benefit of the region's outdoor recreational industry. In a similar vein, the Mountain Outdoor Recreation Alliance, in cooperation with over 70 other organizations, agencies and businesses, adapted and applied the U.S.D.A. Forest Service's Public Area Recreation Visitor Study process to the research of outdoor recreation on private lands. [see article on pg. 41]

Summary and Conclusions

In the past decade and a half, much thought, time and energy have been expended by western North Carolinians debating the future of land-use planning in the region. As predicted in 1981, the time for thoughtful discussion is rapidly expiring. Actions, or decisions *not to act*, made in the balance of the current decade will dramatically affect the future of western North Carolina. A failure to decide is in itself a decision. While participatory dialogue is essential throughout the decision-making process, the time for responsible action by local, regional and state policymakers is at hand.

Responsible land-use planning requires a substantial and sustained commitment of personnel and financial resources. As with building a new home, cutting corners in land-use planning today will predictably result in substantially higher repair and replacement costs in the future. Individual homes can usually be repaired or replaced. In the case of land use, however, the failure to articulate and implement a responsible plan for the mountain region will, in many cases, result in the permanent loss of the very resources which have sustained the region throughout time. CP

Notes

1. Quoted in *Western North Carolina Tomorrow Newsletter*, Vol. 2, No. 1, November 1980.
2. Joanna Mack, et al., *Growth Management and the Future of Western North Carolina*. UNC, Chapel Hill, NC, 1981.
3. Mike McLaughlin, "Preserving the North Carolina Mountains: Time to Develop a Plan?," *North Carolina Insight*, Vol. 13, No. 1, December 1990, p. 9.
4. H. Ken Klinko et. al., *Economic Value and Impacts on Outdoor Recreation at Western North Carolina Lakes Under Different Management Alternatives*, Southeastern Forest Experiment Station and the University of Georgia, Department of Agricultural Economics, Athens, GA, 1990.