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Mills River development plan raises some flags

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MILLS RIVER -- A plan for as many as 50 homes on an 83-acre tract of land next to North Mills River Campground and surrounded by Pisgah National Forest is drawing concern from environmentalists and trout fishermen.

A developer drafting the plans says he still hopes to trade the tract to the U.S. Forest Service for some land in Buncombe County, but is moving forward with planning a development in case a land trade does not work out.

Developer Kent Smith purchased the historic Big Creek Lodge and the lands around it at the confluence of the Mills River's North Fork and Rocky Fork in the summer of 2004. He paid \$2,175,000 in a bankruptcy auction of lands owned by Robert Warren, a Candler tomato farmer who pleaded guilty to a multi-million dollar federal crop fraud scheme. Smith is developer of Somersby Park in Laurel Park.

In July, Smith said he was considering trading the tract for U.S. Forest Service land adjoining the Cliffs at Walnut Cove at Avery Creek in south Buncombe County. Since 1993, Smith has worked as a consultant for the Cliffs Communities, developer of Walnut Cove and other exclusive golfing subdivisions in upstate South Carolina.

"I do want to continue to pursue that possibility (of a land trade)," Smith said Friday.

Smith said he is not sure if the Forest Service has a time table for making a decision on a trade. Officials with the agency's Asheville office were on vacation and not available for comment last week.

Smith has hired Design Workshop of Asheville, a site planning and landscape architecture firm, to plan a development on the Big Creek tract.

Ryan Blau of the company said he could not divulge the number of homes planned because it is in flux. The company plans to meet today with the U.S. Forest Service, N.C. Wildlife Resources Commission, Mills River Partnership, Trout Unlimited and other invited groups to discuss development plans, he said Thursday. The meeting will also include a group Blau referred to as "Conservation Advisors," which he said works to place conservation easements on land.

The meeting is not open to the public, although Blau said he believes Smith will probably seek public input later on the plan.

"Right now we really want to do the best thing for the land," Blau said. "We realize it is an important piece and it is surrounded by national forest and everything we do we want to be true to what the national forest is and make sure we are not devaluing anybody's experience in the national forest."

Advocating sparsedevelopment

Shaun Moore is coordinator of the Mills River Partnership, an inter-agency voluntary effort to protect water quality in the trout streams of the Mills River. Moore said he understood from speaking with Blau that the developer's plans call for roughly 20 "small cabins" and about 30 "single family cabins" on the 83 acres.

Moore said he believes development of that density would harm the North Fork, a popular trout stream that flows through Pisgah National Forest, the Big Creek property and the North Mills River Campground.

"As the watershed coordinator, my comments are going to be (advocating) along the lines of no development at all," he said. "I'll offer to help get grant moneys to pay for a conservation easement on the property as an alternative option to the landowner."

If the developer will not consider selling development rights under a conservation easement, Moore said he will try to convince him to limit homes to "true low density" development, he said.

"That would mean approximately one unit per five acres, zero increase in stormwater run-off, at least 300 feet of undisturbed buffer between all the streams and any land and/or vegetation disturbances, no ridge top disturbance and a right-of-away for public fishing access along the streams," Moore said.

Smith says it is premature for him to discuss the number or size of homes that might be built on the land, but noted the state's watershed protection rules would allow for one home per acre. He is holding the meeting today with forestry, wildlife and environmental representatives to get their input "so that is all incorporated into our design thinking, not after the fact."

If the land is developed, Smith says he wants to seek a variance from Henderson County's subdivision road standards that would allow for a one-lane road through the development rather than a wide road that would disturb more land. Since the land is surrounded by national forest, the only access would be via Yellow Gap Road through the campground.

Echoes of DuPontwaterfalls battle

Smith says he has fished and hiked on the land and wants to protect its natural attributes.

"It (the land) is being evaluated in a very environmentally sensitive way," he said.

Trout anglers fishing the Mills River's North Fork Friday morning had mixed reactions to the idea of homes on the land.

"We fish here often and I hate to see that," said John Bryars, 64, a retired court reporter from Fairview. "I understand he owns the property. Too bad the Forest Service didn't acquire it, because it really makes access to the stream very difficult."

The Forest Service did not bid on the land, even though it is next to the campground and surrounded by public land. Agency officials said they did not have the resources to enter a bid.

Smith in July put up no trespassing signs at the entrance to a trail across the property long used by fishermen, horseback riders, hikers and bicyclists to enter the national forest. The developer said he wanted to protect the land from littering and erosion.

Fisherman can walk upstream a short distance on public land across the river, but are then blocked by a rock wall.

Bryars was fishing with Dan Shope, 46, and Clyde Bolin, 58, both also of Fairview. They have been coming here for years.

"It wouldn't be bad if they put houses up there," Bolin said pointing to the woods across the river, "as long as the Forest Service made them provide access."

But he added: "Too bad they (the Forest Service) can't do something like they did with DuPont State Forest."
North Carolina in 2000 forced Cliffs developer Jim Anthony to sell 2,223 acres surrounded by the DuPont State Forest for an addition to the forest. That came after local residents mounted a campaign to get the state to use its power of eminent domain to force Anthony to sell the acreage, with its scenic waterfalls and lakes, rather than allow him to build a gated subdivision there. The state ended up paying \$24 million for the property, almost four times the \$6.35 million Anthony had paid 15 months earlier.
