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## Communities hope incorporation will help stem unrestrained growth

*By Joel Burgess*

LEICESTER — Ask Peggy Bennett why the western Buncombe County community of Leicester should be a town, and she'll point all around her.

Part of once-narrow New Leicester Highway now spans five lanes, dozens of stores have sprouted up and housing developments are coming to roost.

"I've never seen anything that bad," she said of one gated housing development. "It looks like a strip mine right now."

Many around the mountains feel the same way and, like Leicester, are turning to incorporation to save what they like about their communities.

The push for new governments, though, comes with a dilemma: Many incorporation proponents have historically fought land-use regulations. Now they're finding that regulation may save their homes.

"I think we would ask developments before they came in, to talk to us," Bennett said. "But I think if it's necessary (to regulate), they will."

### Avoiding a heavy hand

Agriculture or unused land makes up 43 percent of Etowah, Linda Johnson said. She and other incorporation supporters worry about what two planned housing developments will do to the character of the town. But they're uneasy about clamping down too hard on future construction.

"Our community is made up of a lot of builders and contractors. We sure don't want to cut off our nose to spite our faces," Johnson said.

Some say towns should help farmers in hopes of discouraging them from selling land to developers.

That was the kind of rule Mills River passed as soon as it became a town five years ago. The rule said there would be no restrictions on agriculture beyond state and federal rules.

"One of the things farmers had a concern with was that whenever you get a local government, they tend to enact laws that actually hurt agriculture," said Mayor Roger Snyder.

Another way to avoid strict rules but limit development is to lay groundwork that discourages construction.

If Leicester could prevent Asheville from running water lines into rural areas, that could slow construction, Bennett said.

But state laws take that decision out of Asheville's hands. The laws aimed at Asheville say noncity landowners cannot be denied access to the system, meaning private developers rather than the new town would dictate water extensions, said David Hanks, Asheville water services director.

In some cases, towns may have to pass tough rules to get what they want.

Mills River wanted to keep development sparse. So it restricted building to no more than one house per three-quarters of an acre, said Snyder. But even that kind of rule isn't always a match for developers with hundreds of thousands of dollars to pay for farmland, the mayor said.

In Swannanoa, organizers "haven't talked specifically about zoning or land use," said incorporation

proponent Dave Alexander. But it should be considered for some areas, he said. "The (Swannanoa) river is really a great resource, and we need to be real careful about how development takes place along that flood plain," he said.

Jim Mease, sales manager for the Rose Hill Plantation subdivision in Leicester, said if residents form a town, they should enact clear restrictions.

Vandals tore up the subdivision's construction site, doing \$250,000 in damage. Even though police have not charged anyone in the crime, Mease said he believes they were Leicester residents angry about the cutting of trees and grading of a hill.

A better way to deal with development they don't like, he said, would be to regulate it.

"Asheville is the No. 1 place to come ... and Leicester just happens to have a whole lot of land," he said. "If they want to do something about it, legislation is the way to go."

## Why incorporate?

In Western North Carolina, one community, Mills River, recently formed a town government. Residents in the Swannanoa, Etowah and Leicester communities are seeking to incorporate.

Mills River Mayor Roger Snyder said people in Candler, Avery's Creek, Biltmore Lake and Nantahala have asked him for advice on the incorporation process over the last few years.

Some want new tax money for services, like more police.

"We feel like the current law enforcement we have is not enough for an area growing like this," said Randy Teague, a Leicester organizer.

Other reasons are less tangible.

People in Swannanoa want to keep a way of life and have more control, said incorporation proponent Dave Alexander.

"It has been 50 years since Swannanoa was represented by an elected official on any level," Alexander said.

Organizers say fear of annexation by larger municipalities isn't driving the efforts.

Still, some Asheville City Council members questioned whether that fear was behind Leicester's proposed boundaries.

Proponents wanted the town to be 35 percent larger than Asheville even though Asheville has three times as many people. Organizers said they chose large borders because they did not want to have to expand the town as it gained more people.

On Jan. 8, the City Council voted against the incorporation but agreed to work on a compromise that could yield smaller boundaries for Leicester. By state law, residents need Asheville's approval to smooth the process.

## How to make a town

n Proposed municipality must have at least 250 people per square mile.

n Organizers must get 15 percent or more of registered voters to sign a petition in favor of incorporation.

n Other towns may have to give approval, depending on their size and proximity.

n The Joint Legislative Commission on Municipal Incorporation, made up of state lawmakers, makes a recommendation to the General Assembly.

n If the commission gives a positive recommendation, the General Assembly can approve the town with a majority vote. It can override a negative recommendation with a two-thirds majority vote.

n Lawmakers can also call for a referendum on incorporation within the proposed town boundaries.

SOURCES: Organizations seeking incorporation for Etowah, Swannanoa and Leicester; City of

## Asheville; Town of Mills River; Brough Law Firm in Asheville.

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