

MORGANTON

THE NEWS HERALD

12/8/83

Ridge law rejection a big disappointment

We are disappointed at the short-sightedness of the Burke County Board of Commissioners who blew their chance this week to insure the preservation of additional Burke County mountain peaks.

The county fathers, by a 4-to-1 vote, decided not to pass local legislation expanding the scope of the state's new ridge law.

The state law sets a minimum height of 3,000 feet elevation (above sea level) for new building and applies, in effect, to many mountain crests. In Burke County, that standard protects Table Rock, Shortoff and Hawksbill mountains, all in the upper area of the county. The South Mountains range isn't high enough to come under the provisions of the state law.

In its wisdom, the N.C. General Assembly provided that any county — such as Burke — which has additional high ground that might need protection beyond the state provisions would have until Jan. 1, 1984 to pass local ordinances to apply to those areas. If such a local ordinance is not approved by Jan. 1, then the state law prevails.

With Tuesday night's vote, that's the way it is here. High Peak, for example, and other mountain ridges in the southern part of the county are now fair game for development, regardless of how this may interfere with the finger of nature.

We understand and appreciate some of the opposing commissioners' hesitancy to allow a governmental body (in this case, the county commissioners) to restrict a private landowner's use of his own property. A man's home is his castle and all that. This kind of puristic point of view may be all right when you know (or think you know) the landowners and their individual intentions toward not wishing to allow development to run amuck.

But, as news editor Bill Poate pointed out in a column on this page earlier this week, land has a way of changing hands. Without protection from future developers, well, anything can happen...

The future without some limited building restrictions may bring a host of new problems, especially in the eastern part of Burke where population is growing at a much faster pace than elsewhere in the county.

It would have been more prudent, we feel, for the commissioners to address the issue of a tighter county ridge law now than to face futile outcries from potential disgruntled property owners down the road.

Hasn't the condominium construction on Little Sugar Mountain and the once-proposed 10-story retirement center in Morganton taught us anything about land use and about many people's feelings toward conserving our natural beauties?

At some point, we believe the county is going to have to address the even broader issue of county zoning. A reasonable land use plan for the county as a whole would help avoid a mish-mash of new building in our faster growing areas; it might help prevent garages and animal production centers, for instance, from being placed next to scenic residential communities and rural churches. And, it might preclude another unsightly span of incompatible development such as along Highway 64-70 from Morganton to Hildebran.

The Burke proposal to rein in the state's ridge law more closely on our mountainscapes would have been a good first step toward that end. The county still has until the end of the month to amend its decision. We ask that they restudy the alternatives before the deadline.



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Cates vows to continue battle for tougher Burke ridge law

By REBECCA MOORE
News Herald Staff Writer

Burke County Commissioners' defeat of a proposal to toughen the state ridge law locally was "ridiculous" and an attempt may be made to re-introduce the proposal. Commission Chairman Jim Cates said Wednesday night.

"I thought it was ridiculous. I don't think it was really thought out," Cates said. "I think I'll make an attempt — make some phone calls — to get it brought back up. I think the squeaky wheel gets the grease."



'I thought it was going to slide right through. It just amazed me.'

—Cates

Cates spoke to about 30 members of the South Mountain Group of the N.C. Sierra Club at Western Piedmont Community College.

County planner Steve Erickson was also at the meeting, which saw club members express their disappointment with the commissioners' 4-1 defeat of the proposal.

"It is the position of the Sierra Club that we are very disappointed — this was a reasonable, logical ordinance to pass," Brian Simpson said. "We are disappointed and concerned."

Simpson, a club member, said the group recommends the "county commissioners re-evaluate their position."

The proposal to toughen the law, which was

endorsed by the Burke County Planning Board, would have made it illegal to construct a building more than 40 feet high on ridge which is more than 500 feet above the valley floor.

As it presently stands, the law applies only to those peaks that are 3,000 feet or more in elevation.

Under the state law, which was passed by the N.C. General Assembly in July, only parts of Jonas Ridge and the Pisgah National Forest are protected. In addition, Hawksbill Mountain at 4,030 feet, Table Rock Mountain

at 3,909 and Shortoff Mountain at 3,137 are protected by the state law.

If the 3,000-foot limit was eliminated other mountains such as High Peak with an elevation of 2,184 feet, Mineral Springs Mountain and other portions of the South Mountain range would be protected.

"You have between now and the 20th," Cates told the group. "We've done this a couple of times and brought things back up."

The next meeting of the commission is set

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WIDEK
worship with us
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Cates vows to continue effort on ridge law

From page one

for Dec. 20 at 7 p.m. at the Human Resource Center.

"The only person who can bring it back up is the person who was in the majority. If it was possible to muster a little strength — if there is some way to get a couple of people to change their votes."

Commissioners voting against the stricter law were Carrol Austin, Ernest Morgan, Bob Williamson, and

George Clark. Their phone numbers were written on a chalk board during the meeting and Sierra Club members were urged to call and "tell them your opinion of the action of the commission."

Cates was the only commissioner voting in favor of the proposal and he received applause from the group for his action.

"I thought it was going to slide right through — it just amazed me," Cates said. "It's kind of neat that they (Burke County Planning Board)

spend hours and hours, two or three months studying a project and make a recommendation and us commissioners, in our wisdom, can make a decision in five minutes."

County commissioner voted against the proposal because "government is taking over too much of our private lives," Cates said.

"I would like to collect enough money and buy property next to a commissioner and put a little pig farm there and see what they have to say about my rights as a property owner," one club member said, while

another added "make it five-stories."

Sierra Club members said the law is an attempt to control development of the ridge tops in western North Carolina that emerged from the construction of a 10-story condominium on the top of Little Sugar Mountain in Avery County.

Terming the structure on Little Sugar Mountain an "eyesore" Simpson said the club's concerns go beyond aesthetics to include protecting the sensitive area of the environment, ridges.

"The ridge law is the first step for more comprehensive land planning for ridge tops," Simpson said. "We need to look beyond that in the coming years."

In addition to county officials, Simpson, Morganton attorney Robert Gage and John Middleton served on the panel discussing the ridge law.