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Developers Say They Will Challenge New Restrictions

Limits on Ridge Construction Went Into Effect Today

By John Downey
and Terry Martin
Journal Staff Reporters

High-rise construction is banned on most high mountain ridges in nine western counties today. It is banned except by special permit anywhere in two other western counties and regulated by permits on high ridges in 13 other counties.

Happy New Year from North Carolina's Mountain Ridge Protection Act of 1983, which took effect at 12:01 a.m.

Hugh M. Morton, the owner of Grandfather Mountain and the head of a coalition of mountain leaders that lobbied for the law, said it "sends a message to the world that North Carolina is going to protect its natural beauty and its natural assets."

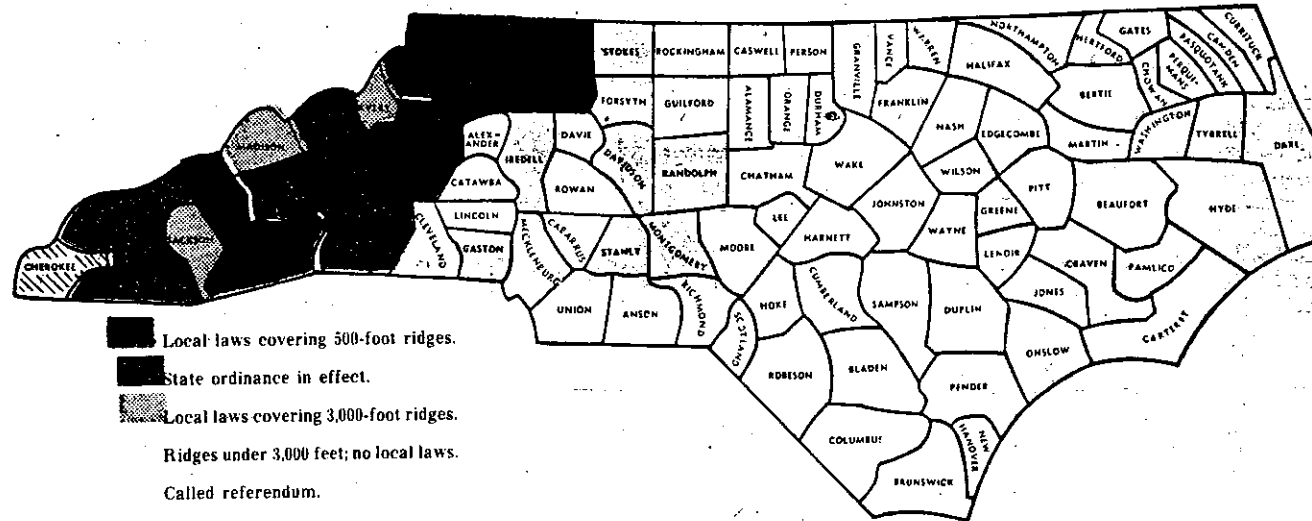
But to James J. Ring, a former president of the N.C. Home Builders Association, and others, the new ridge law is a vaguely worded impediment to development that will be challenged in court.

"It's basically an ill-conceived notion that the legislature was remiss in passing and didn't know what they were talking about," he said by telephone last week from his office in Maggie alley.

The act protects the top 100 feet of mountain ridges. After months of haggling, the General Assembly passed the law July 5. It came largely in response to construction of the 10-story Sugar Top Condominiums atop Little Sugar Mountain in Watauga County near the Watauga County line.

Construction of Sugar Top Condominiums stopped briefly in July when liens and suits were filed against the financially troubled general contractor. But the developer, U.S. Capital Corp. of Columbia, S.C., hired a new builder, and construction was completed in September.

Throughout the debate on the bill came accusations that out-



of-state developers were spoiling the state's mountains in pursuit of a quick buck.

Sen. R.P. "Bo" Thomas, D-Henderson, called them "unscrupulous speculators."

He still does.

"The environmentalists routed those unscrupulous speculators," Thomas said last week from his office in Hendersonville, the heart of the 10-county mountain region in southwestern North Carolina that he represents.

"We have thousands of people who love these mountains and

support second-home development, but don't want to see the mountains pillaged by speculators who have a lot of grease, a lot of mouth and a lot of money," he said.

Under the ridge law, 24 counties — all of which have at least one ridge more than 3,000 feet above sea level — were required by today to adopt their own ridge ordinances, come under the jurisdiction of the state law or call a referendum to decide whether to protect any ridges.

Eleven other counties — those with ridges at least 500 feet above adjacent valleys but less than 3,000 feet above sea level

— were given the authority to adopt an ordinance to protect those ridges.

The state's 24 westernmost counties could:

— Come under the state law and its prohibition on construction of buildings more than 40 feet tall on ridges 3,000 feet high and on ridges 500 feet above the floor of an adjacent valley

— Enact a local ordinance under state guidelines to regulate construction of buildings more than 40 feet tall on mountain ridges.

— Let voters decide whether to protect any ridges.

Ring, who led the opposition to the ridge law, said that the options are still flawed because there is no consensus on what "ridge" means.

"There are ridges on top of ridges and who's to say who you're supposed to measure the elevation from along the valley floor?" he said. "The whole thing is just basically ill-conceived and it's probably going to take some court cases to square-mess. I certainly think so."

For counties with a local ordinance, the building prohibition is tempered by a system of permits. Counties had the choice of dropping the 3,000-foot requirement and protecting all ridges that rise 500 feet above adjacent valleys.

Those optional provisions left the door open for county commissioners to model their own ordinance to fit their local needs, said Rep. David H. Diamond, D-Surry. Diamond, who Thomas helped bring out the final version of the bill from legislative conference committee.

"We knew that for it to really work, the counties would have to pick up on their needs," he said last week. "The ridge law provided the motivation, the catalyst, for counties to take a good look at their own situation. I feel we were successful."

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