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# Building Hearing Planned

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HICKORY DAILY RECORD

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Record Staff Writer

LENOIR — The Caldwell County commissioners on Thursday set a public hearing for Dec. 19 on the possible adoption of a local ordinance regulating construction on mountain tops.

The commissioners decided Monday not to adopt a tougher version of the state Ridge Law approved by this year's General Assembly.

The state law prohibits structures 40 feet or taller on ridges higher than 3,000 feet and more than 500 feet above an adjacent valley floor.

However, at a district meeting of the N.C. Association of County Commissioners on Tuesday, commissioners learned it may be advisable to exercise their option to make the law more stringent.

By law, that must be done by Jan. 1.

The Caldwell commissioners are considering the option of dropping the 3,000-foot elevation requirement, allowing the county to regulate construction on any ridge more than 500 feet above an adjacent valley floor.

Officials of the Association of County Commissioners "advised us that counties should limit this most definitely and come up with some kind of ordinance to protect our county," commission Chairman Alden E. Starnes said Thursday.

However, commissioners R. Donnie Goodale and Kenneth R. Moore questioned whether such a local ordinance could be enforced.

"I don't think it can be enforced anyway," Goodale said.

"I'm certainly willing to discuss the issue," Moore said. "But I think we need to be very careful with it."

"For the future of Caldwell County, it's a good idea (adoption of a local ordinance)," said Commissioner Jerry N. Brooks.

"Nobody knows what's going to happen if somebody takes us to court over this," Starnes said. "It's a complex issue. No law is the law until it's tried in court."

County Planner Barry Warren said that if the law was questioned in court, it is the constitutionality of the state Ridge Law — not a local ordinance — which would be challenged.

With the Jan. 1 deadline ap-

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# Caldwell Schedules Hearing On Ridge Law

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proaching, it appears many of North Carolina's 24 mountain counties will let the state Ridge Law stand.

"Most of the counties are at a fish-or-cut-bait state," said Alan Lang, a planner with the N.C. Department of Natural Resources and Community Development in Asheville.

Most of the counties in his western region apparently will not adopt local regulations, he said.

"If you simply allow the state ban to take effect, it simply prohibits," Lang said. "It's simply less of a hassle for them than enforcing their own regulations."

However, the Avery County commissioners on Thursday passed an

Avery County Mountain Ridge Protection Ordinance prohibiting buildings taller than 40 feet or three stories on ridge tops.

The board also passed a companion ordinance prohibiting tall buildings in valleys, except in special cases.

The Burke County commissioners on Tuesday voted not to adopt a local ordinance to regulate construction on peaks lower than 3,000 feet. The county Planning Board had recommended an ordinance. The vote followed a public hearing on the matter.

However, commission Chairman Jim Cates said Wednesday he may attempt to have the proposal reintroduced.

Speaking to about 30 members of

the South Mountain Group of the N.C. Sierra Club, Cates termed the commission decision not to adopt a local ordinance "ridiculous."

Watauga County commissioners adopted an ordinance prohibiting the construction of any structure over 40 feet in April, prior to passage of the state law.

"It was designed to prevent anything like what happened in Avery County from happening here," said County Manager Gary McGee.

McGee was referring to the controversial construction of a 10-story condominium atop Little Sugar Mountain in Avery County, which is credited with spurring the passage of the state Ridge Law.

The Watauga commissioners soon will consider the adoption of another local ordinance more consistent with the state law, he said.

McKee said commissioners in Ashe and Wilkes counties are considering the adoption of a local ordinance.

Warren said that if a local ordinance is adopted in Caldwell County, the commissioners would have the option of revoking it later and falling back on the state law.

Preliminary maps provided by the state indicate the Ridge Law would regulate only ridges in the northern portion of Caldwell County, including Misty Mountain, Backbone Ridge, Round Mountain, Rocky Knob and portions of Big Ridge and the Bailey

Camp area, Warren said. Adoption of the proposed local ordinance would add Brown Mountain, Chestnut Mountain and Little Chestnut Mountain to the list of protected ridges, he said.

"So we're really not talking about that much land," Warren said.

However, he emphasized the ridges are preliminary and possibly complete. Whether the ordinance would affect ridges in more developed areas such as Hibernia Mountain is a question the commission want answered prior to the public hearing.

Alexander County officials have not taken any action concerning Ridge Law.

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