

High Peak

Familiar peak facing changes

By STEPHEN HARRIS
News Herald Staff Writer

Perhaps Table Rock and Hawk-sbill mountains have greater fame, but High Peak Mountain, guardian over the eastern stretch of Interstate 40 through Burke County, is Morganton's closest mountain landmark.

The mountain peak, elevation 2,184 feet, is on the edge of the South Mountain range and is located due south of Drexel.

Only two miles from the Morganton city limits, the mountain has not carved a place in local folklore as has Table Rock, which is used in the city's insignia.

Perhaps High Peak is so close to the everyday hustle and bustle of Burke Countians that it has been taken for granted. Its familiarity has led us to idolize other peaks more distant and less accessible.

Except for a ranger tower and some other tower facilities, the mountain is largely untouched since the time Burke County was born except for some logging through the years.

One of the nation's great highways winds around its very base and gives an impressive view to passersby.

A familiar friend

But the familiar mountain friend is about to undergo change. Stakes are being driven into the mountain's sides. Dreams are being concocted. And people are about to ascend the mountain to carve out their homes.

A developer who has been selling land on High Peak Mountain since last year at this time says 1984 is the year homes will begin popping up on the mountain.

"I can see from 10 to 20 in the first year (1984)," said developer Joe Glasser, "and from there on out I would look at a total — with 400 acres (available), with the average site from three to 15 acres — there will

probably be 200 sites that would be suitable."

Glasser owns a total of 1,200 acres on the mountain, including the ridge area on top of the mountain where the towers are located. However, Glasser only talks now about his first phase of development, which is 400 acres on the northwest and west slopes of the mountain.

Already, six residences have been built on a side road at the western base of the mountain. On the main road up the northwestern slope, only one person has taken up residence: a Florida man living in an auto home.

The trailer is only temporary as the new resident plans to build a log home soon, Glasser said.

However, a majority of the land in Glasser's first phase has been sold. He has stopped active selling, he said.

Retired from Florida

A retired Florida developer, Glasser and his wife, Shirley, now live at the base of the mountain at the entrance of the future development. Two former logging roads have been improved and opened for a hopeful future of travel.

The Glassers live in a new, two-story home. The ground floor includes the office of the Glassers' High Peak Development Co. Glasser has been selling land and Mrs. Glasser keeps the books.

Glasser described his vision of the mountain as one of a developing, major, residential community. He said he could foresee many A-frame and log houses being built on the mountain.

"This is not a little Hound Ears," said Glasser, referring to a resort development near Boone. "This is set up for people who want a piece of mountain land for a getaway."

A surprising number of the buyers attracted to High Peak — which has a commanding view of the Blue Ridge Mountains extending into Virginia — are local, the developer said.

"I'd say 85 percent of my purchasers are North Carolinians and local," he said. "All have bought on site."

Three or four buyers have come from Florida, and in-staters have come from as far as Raleigh and Charlotte, Glasser said.

Second homes

Many of the local buyers want a second home or an only home in a mountain setting still within easy commuting distance to Morganton.

"I think we are going to have a real pleasant community," Glasser said. "People love it. It has a good view. I hope it will be a little bit better than Mineral Springs Mountain because of its location (to Morganton)."

Mineral Springs Mountain south of Valdese also hosts a residential area, and Glasser said he forces a similar future for High Peak Mountain.

Some property is still available, mostly on the back side of the moun-

tain.

The back side offers a view of the South Mountains, a view Glasser said he personally prefers.

A second entrance to the area is located at the Laurel Springs development off Highway 18 South.

Glasser said sales have exceeded his expectations.

"I've been in this business for 40 years," Glasser said, "and the acceptance of any piece of property is (tested by) the people living in the immediate area."

Soft-sell approach

The developer said he has taken a soft-sell approach. The mountain, its view of Morganton and beyond, and its status as a local landmark allows the acreage on the mountain to sell itself, Glasser said.

"It's been a word of mouth thing," he said.

Also of help is Glasser's own financ-

ing plan which offers potential buyers an interest rate of nine percent.

Glasser said he is choosy whom he will sell to. The developer said he insists all buyers actually visit the site they will buy, and he said he discourages people from buying on their initial visit without thinking the offer over first.

He added that he has turned down offers from potential buyers who had commercial plans for their mountain tracts.

"I don't sell to just anybody," he said.

Glasser said some land may be set aside for a church, and he also offered a tract on the mountain to the county for a park.

The mountain will be a bird sanctuary, and hunting will continue to be disallowed on the mountain, he said.

"Nothing is being done to hurt it (the mountain)," Glasser said.

The developer said future sales, including the ridge area at the top of the mountain, will be of larger tracts

of land but still for people wanting only to build homes. No sales will be made to other developers, he promised.

State ridge law

Glasser said he foresaw no trouble from the new state ridge law. He said no condominiums or high-rise structures, which the law prohibits, will be built.

The ridge law, enacted by the state legislature in July, prohibits buildings 40 feet high or taller on mountaintops. Burke County commissioners are considering toughening the law locally, a change that would place High Peak Mountain under the law's dictates.

Despite his large landholding on High Peak, Glasser does not own all of the mountain. A timber company's holding on the mountain are not expected to become available to potential homeowners.

Commission should

reconsider ridge law

MORGANTON NEWS HERALD
12/19/83



Gordon Boger

Some ten years ago I wrote a couple of letters to The News Herald complaining about tax bills that were so ambiguous and erroneous that they defied intelligent interpretation and blamed one elected and one appointed county official for my frustrations.

As a result, I received three anonymous telephone calls threatening my life. I paid no attention to these, and did not mention them to Mary Gray, passing them off much as I would ignore an anonymous letter. If anything, I felt a sense of pity for those so cowardly and ignorant as to resort to such a practice.

Then one Sunday morning I was in the bathtub when Mary Gray answered the phone, and an unidentified piece of human garbage told her that there was a bomb under the house that was timed to explode in 10 minutes.

I was certain that this was just another crank call, but she was alarmed and called the sheriff's office. Within a few minutes a young officer came, dressed in an immaculate uniform and, removing his jacket, he crawled under the house into a mess of crushed rock and lime. He found nothing, as I expected, but I promised my wife that I would never again engage in controversial matters in the public print.

However, I now feel constrained to break my promise to her. She says that it won't be the first time.

The people of Avery County live in one of the most beautiful areas in the United States. Tourism is a major part of the economy in that county, and many of these visitors have built permanent summer homes there, adding to the tax base of one of the poorest counties in the state.

The citizens of Avery regarded their scenery as a God-given gift that no man could ever take away from them, but they failed to take into consideration an out-of-state developer until they were confronted with a high-rise condominium on top of Sugar Mountain.

They could not stop that project; it was too late, but they hastened to place themselves under the security blanket of a ridge law so that nobody else can desecrate their highlands.

The most successful real estate developer that Burke County has ever known was my old and dear friend, J. Alex Mull. His father's people were among the earliest settlers of the South Mountains, while his mother was an Alexander from Buncombe County. Her family, along with the Patton's and the Davidsons, were the first white people to move into the Swannanoa area.

Alex loved our mountains, and his proudest achievement was the development of Gingercake Acres in northern Burke. This community of rustic homes blends in so well with the rugged terrain that you can pass it on nearby Hwy. 161 and never be aware of its existence.

If any builder had suggested to Alex that he erect a high-rise condominium at Gingercake, this worthy would have found himself on the seat of his pants in the street outside of the Mull Real Estate office.

The Burke County Board of Commissioners recently voted down a ridge law by a 4-1 vote. I urge them to

reconsider and to include the South Mountain range under the law's protective cloak.

True, none of the mountains in this range are 3,000 feet high, but to many of us who live in the Salem-Hopewell Church-Brindletown area, they are all that we have.

I have seen homes advertised for sale in The News Herald many times with "beautiful view of the South Mountains" given as an asset and an inducement to buy. Two of Mary Gray's cousins from the flatlands of suburban Nashville have visited us several times since we have lived in our present home, and we have spent some time with them. They live in a beautiful home, with a large, well-tended yard well away from the business district of that city.

I well remember the first time that they came here. They got out of their car and stood in the driveway, their eyes fixed on Walker's Top, Burke-mont and all of the rest of the low summits that make up that portion of the South Mountains that are visible from our front yard, and one of them exclaimed, "I would give anything in the world if I had a view like that from our house."

I am realistic enough to know that summer cottages, and even permanent homes will be built in the South Mountains. The Lord only made so much land, and as the population of Burke County has exploded to more than 70,000 people, and as residential property has grown scarcer and more expensive in the Catawba River Valley, expansion is inevitable. However, control of such expansion is possible. The City of Morganton does it with zoning laws. The county commissioners can impose a limit on the height of a structure.

Builders could erect hundreds of residences such as those at Gingercake acres on the sides of the South Mountains without offending any except the most critical of people, but under present law, or lack of it, I could awaken some day to see the steel skeleton of a condominium or a resort hotel rising 300 feet into the sky above any one of these summits.

Only the county commissioners can prevent it. I can only hope that at their next meeting they can vote again on a proper ridge law, and that at least two of them may change their minds.

Lifelines

A bigot is a person who never gets big.

The abundant life too often is smothered in the abundance of things.

A snob is an inferior person with a superiority complex.

Selected by W.F. MCINTOSH

MORGANTON NEWS HERALD 12/21/83

Ridge law passage a boon to all of us

Commissioners George previous county meeting, has Clark and Bob Williamson are not been an easy one. The issue to be commended for having brought out many staunch supporters, individual citizens who wish the county's uniqueness to remain unfettered by developers' chrome and concrete. And, it brought out some reasonable, thought-provoking discussion from purists who believe government should not intrude in any fashion on a man's "castle," his land, regardless of the long-range consequences for his neighbors and the rest of us.

We are genuinely pleased that so many citizens chose to get involved in the public discussion of the ridge law, to make their feelings known and that, in the final assessment, enough were able to bring new insight and considerations before Clark and Williamson to induce them to rethink their position.

It takes a big man to say he was wrong.

The fight to reverse the earlier decision (4-1) against the local law, taken at the

This means that not only will North Carolina's state-wide ridge law (which goes into effect Jan. 1) protect Shortoff, Table Rock and Hawksbill mountains, but now, the South Mountains range and other lower peaks elsewhere in the county will retain their integrity and beauty.

The fight to reverse the earlier decision (4-1) against the local law, taken at the

W-S Journal Dec. 22

Ashe County Board Adopts Ridge Law

By John Downey
Journal Northwest Bureau

JEFFERSON — The Ashe County Board of Commissioners unanimously adopted last night an ordinance regulating high-rise development on county ridges 500 feet or more above the adjacent valley floor.

Ashe is the fourth northwestern North Carolina county to adopt a ridge law under the act approved by the N.C. General Assembly in July. Surry, Wilkes and Watauga counties passed versions of the ordinance earlier this week, and Alleghany County has a public hearing scheduled on the matter for Dec. 30.

Under the act, counties must adopt their own ordinance by Jan. 1 or choose not to participate by holding a referendum by May 8. Any county that does nothing will automatically come under the state law's provisions on Jan. 1.

No one spoke at the public hearing on the ridge law held last night by the Ashe commissioners, and few comments were made by the board. Vice Chairman Bob L. McCoy asked Thomas Johnston, the county attorney, if the county could toughen the ordinance later.

"It is not clear from the act," Johnston said. "But the

county could adopt additional ordinances under its own ordinance-making power."

The state law requires permits for construction of buildings more than 40 feet tall on ridges 3,000 feet or more above sea level or 500 feet or more above the adjacent valley. The Ashe commissioners struck the 3,000-foot requirement to allow their ordinance to cover more ridges than the state law would.

In other business, the commissioners approved general plans for a 9,600-square-foot classroom and industrial training building that the county plans to build for and lease to Wilkes Community College.

The rough sketches call for a building with five classrooms and a 60-foot-by-90-foot area for industrial equipment to be used in training.

No estimates on the construction cost will be made until an architect yet to be hired prepares detailed drawings, said County Manager Larry G. South.

HICKORY DAILY RECORD 12/22/83

Ridge Laws Welcome

Commissioners in Burke and Caldwell counties who voted for tough ridge laws are to be commended.

Some of the most difficult decisions elected officials face are those regulating land use.

However, the state ridge law is not stringent enough to protect, physically and aesthetically, North Carolina's mountains.

The Burke and Caldwell ordinances do what the state law does not.

Whenever land-use regulations are discussed, some property owners argue that people should be allowed to do whatever they want with their land. However, some practices should be prohibited.

The effects of unsightly construction on mountaintops is the biggest question concerning ridge laws. People who visit the mountains for the mountains' sake may go elsewhere if large structures such as condominiums dominate ridge lines instead of trees.

The state's natural beauty is one of the biggest reasons North Carolina is such a great place to visit and a wonderful place to live. That beauty must be protected.

Enacting additional regulations on citizens requires much thought and courage. Commissioners in Burke and Caldwell demonstrated both in adopting effective ridge laws.

Commissioners' actions were surely in the best interest of all residents in the two counties.

Reverses Earlier Vote

Burke Enacts Ridge Measure

□ Related Stories, Page 11
By MARION LIEBERMAN,
Citizen Correspondent

MORGANTON — The Burke County Board of Commissioners reversed an earlier decision Tuesday night and approved on a 3-2 vote a ridge law more stringent than the state regulations adopted Dec. 6.

The debate over ridgetop construction in Burke County intensified after the Dec. 6 meeting, at which the board rejected the more stringent regulations. Tuesday's meeting drew a noisy, overflow crowd.

The surprising public outcry against the board's earlier action convinced commissioners to reconsider their original vote, said commission Chairman Jim Cates.

Cates, the only commissioner to vote for the tougher measure at the earlier meeting, had told members of the South Mountain chapter of the North Carolina Sierra Club that he planned to re-introduce the proposal.

Commissioners Bob Williamson and George Clark asked for citizen input and requested that a poll be taken to gauge public sentiment. The Morganton News Herald published a ballot on the issue, and response was overwhelmingly in favor of a tougher ridge law, Cates said.

The law adopted Tuesday contains restrictions based on the recommendation of the Burke County Planning Board. The local ordinance prevents the building of any structure more than 40 feet high on any ridge more

than 500 feet above the adjacent valley floor, which would provide protection for higher elevations of South Mountain as well as other peaks not covered in the state statute's elevation minimum of 3,000 feet.

"Emotions ran high" Cates said. "It was a tremendous public push — not only the Sierra Club, but groups such as the AARP, fire departments, water departments, environmentalists, outdoorsmen clubs — all favoring a tougher law."

Cates allowed Louise Morgan, chairman of the Burke County Property Owners Group, to speak in opposition Tuesday. Also speaking was Robert Gage, a Morganton attorney, who endorsed a reversal of the earlier decision.

"Clark and Williamson deserve credit for gathering more facts and information, for listening to the public, and not being ashamed to change their minds," Gage said. "Cates didn't have to reopen the matter for debate. He went the extra mile to be fair to both sides. It is very important that government officials decide issues based on facts and majority public opinion."

The Dec. 20 session was the last scheduled commissioner's meeting before the Jan. 1 deadline, the date on which the state ridge law takes effect.

In another matter, Cates said the commissioners had disqualified petitions asking that the Lake James Fire Department be annexed into the Longtown community.

The Asheville Citizen, Thursday, Dec. 22, 1983

Macon Commissioners Reject Local Ordinance In Ridge-Law Debate

By BOB SCOTT
Western Bureau

FRANKLIN — The Macon County Board of Commissioners failed to adopt a proposed mountain ridge protection ordinance during a heated session Wednesday, automatically opting for the state's ridge law that goes into effect Jan. 1.

The county ordinance had been presented for a second reading at the commissioner's mid-month meeting when Commissioners C.E. "Shorty" Mason and Turner DeHart raised questions after several citizens appeared before the board to urge the commissioners to drop the county ordinance in favor of the state law.

The county ordinance would have regulated, but not prevented, the construction of high-rise structures on ridges after a builder met county mandated criteria for public health, welfare and safety.

County Attorney R.S. Jones said the county ordinance was based on a model ordinance furnished by the Institute of Government at Chapel Hill and the state Department of Natural Resources and Community Development.

Mason said the county ordinance was not as effective as the state's law. "More people in Macon County are in favor of the state's Mountain Ridge Protection Law."

Mason said that practically all the people who had contacted him in past weeks had asked him to opt for the state law.

"I believe we've got to represent the people," Mason said.

Miles Gregory, a county commissioner and president of the North Carolina Association of County Commissioners, took issue with Mason. Gregory has been on record opposing the state law.

State Measure To Govern Graham Ridges

ROBBINSVILLE — Graham County commissioners took no action on a county ridge protection ordinance following a public hearing Wednesday night.

Chairman Tony Ayers said the commissioners will allow the county to be governed by the state's ridge law, which goes into effect Jan. 1.

Only one of the eight people who attended the hearing spoke on the ridge law. Ayers said Ralph Crisp, president of the Graham County Chamber of Commerce, urged the commissioners to allow the state law to govern ridge construction in the county.

"I'm in favor of keeping local control. I can visualize all kinds of technical points that will give leeway to make adjustments. It's (state law) discriminating against people who own property over 3,000 feet. I'm for the ordinance. It gives us local control and I'll continue to advocate local control as long as I'm in government," Gregory said.

Gregory offered a motion for adoption of the ordinance. Chairman Siler Slagle offered a second to the motion, but it died when Dolen Bates joined with Mason and DeHart in opposition to the issue.

Avery Journal 12-15-83

Avery Adopts Mtn. Ridge Protection

The Avery County Board of Commissioners adopted its own Mountain Ridge Protection Ordinance last week limiting buildings to a maximum of 40 feet in height. However the Board reserved the right to make exceptions if necessary.

"We went ahead and adopted our own Ordinance" County Manager Robert Wiseman said, "because January 1, 1984 the State would have imposed. The State Mountain Ridge Protection Act."

"The Board of Commissioners feel that we are better qualified to govern ourselves than have something from Raleigh forced on us," Wiseman added.

The Board adopted a second ordinance prohibits buildings over 40' or three stories tall in the valleys

except where the elevation is under 3,000 feet.

The buildings must have adequate water and sewer in accordance with state and federal statutes and be in compliance with local sedimentation control regulations and requirements. Adequate consideration must also be shown toward protecting the natural beauty of the mountains as determined by the Board of Commissioners.

The County Building Inspector shall serve as enforcement Officer for the Ridge Ordinance with the Board of Commissioners acting as the Enforcement Agency.

A building permit must be obtained before any tall building or structure can be constructed, altered reconstruct or expanded.

A large number of people attended a hearing December 8th at 7:30 p.m. in the Avery County Courthouse to discuss the Ridge Law Ordinances.

Leaders from Avery's Fire and Rescue Association voiced concern over human safety in high rise buildings. Alonzo Sluder, Jr., Head of the Fire Assn. told the crowd area Fire Departments are not equipped to cope with fires in buildings over three stories high.

Representative S.B. Lacey told the crowd he thought it was much

better to let Avery County officials adopt their own ordinance for the county instead of letting state officials govern the county.

Rep. Lacey spoke of the positive side concerning Sugar Top High Rise which sparked the Ridge Law Controversy. "It has supplied 70 jobs for Avery County and put more on the tax books than the whole county was worth 20 years ago," Lacey said.

The majority of those present for the hearing argued for greater control by local officials of high rise constructions in this county.

Commissioners should stick by their guns in opposing ridge law

To the Editor:

Part of the rights of individuals are compared to rights of our society as a whole in a democracy or a republic. In fact individuals are guaranteed freedom of choice. Then to what degree are individuals' rights limited or restricted?

If we can agree that in our country the Constitution gives individuals the right of the pursuit of happiness, and does not guarantee an individual's happiness, then let us consider the issue at hand, that is, whether or not the governing body of Burke County will or will not further chip away or erode the foundation of an individual's freedom, this particular foundation being the rights of an individual to own land.

What does owning land in our country mean as compared to owning land in a society that is either social or communist. Land ownership is one's rights of using land. In a communist country one's rights of use are dictated by the government, and free countries such as England and Sweden, rights have eroded to the state that before one can paint his house, he must get permission from an arm of



McMahon

the government as to the colors he may or may not use.

IN AMERICA one owns property. That is to say Americans own a bundle of rights yielding ownership. The bundle may or may not include mineral rights, water rights, timber rights, just to name a few.

Property owners now do not have the right, nor should they have the right, to divert water, create erosions that would contaminate our streams, create septic systems without approval, burn without approval, disturb more than an acre, unless it's farming, without approval. The list goes on.

So you see our government does control our land.

We need to analyze why the government takes these rights away from us. In most cases, it is for the protection of the masses. And most of these laws are good. But let us now consider aesthetic rights. Can we first agree that beauty is in the eye of the beholder? Should government restrict or take away a right of ownership based on the argument of beauty? If so, where do you draw the line and at whose expense?

CONSIDER THESE propositions as examples:

I do not like flat-topped house. Ought to be a law against it. I don't like aluminum siding. Ought to be a law against it. I don't like trailers. Ought to be a law against it.

My neighbor shouldn't have a beauty shop in her house. Ought to be a law against it. My neighbor painted his whole house yellow, with blue polka dots. Ought to be a law against it. My neighbor raises pigs. There ought to be a law against it. My neighbor has a wife with blue hair, to match their blue fence. Ought to be a law against it. My neighbor has a yard full of purple concrete figurines. Ought to be a law against it.

My neighbor wants to build a house bigger than mine and another neighbor hurt my house's value when he built a house smaller than mine. Ought to be a law against it. Junk cars should be outlawed. They're an eyesore. I don't care if they are another man's livelihood. Ought to be a law against it. Don't like pool rooms and liquor stores. Ought to be a law against them, too. In short, we can go on and on, and now, I hear, don't like buildings one foot on someone else's mountain. Ought to be a law against it.

You know some people have said my neighbor's garden is full of weeds, detracts from my lawn, and there

ought to be a law against it.

PLEASE UNDERSTAND, I love the mountains. Live on one. My neighbor built a big, three-story house on top of it. Blocked my view. I don't like it. I can't stand it. But I don't believe there should be a law against it.

The mountains are our home and in most cases, in our early history, only the poor settled them. The federal government has most of them now, and don't worry, they aren't going to be enjoyed too much close up because most of the side roads are chained off. Duke Power, that is Crescent Land and Timber, owns a lot of the valleys and hills. And don't worry, they won't be enjoyed much either because they're posted, a lot of them.

One of the local newspaper columnists recently wrote how he enjoyed High Peak as a boy and walked many times on the mountain. Now that's good. I appreciate the individual land owner that allowed him to do so, without charge of trespass.

But we must remember that no matter what we do, there's a price to be paid for it. Now in this case, the owner paid for it. He paid for the land. He's paid taxes on it and he had the liability for it. The neighbor uses it free and now this columnist is asking the government to retain it the way it was, and again, at the owner's ex-

pense.

YES, RESTRICTIONS are okay, if they are placed by the owner when he sells the rights of ownership because the new owner never purchased nor had the rights the restrictions prevented. Remember these things. The Parthenon was built on a hill in Greece. Asheville is on a hill. A tower is own Mount Mitchell. Grandfather has a swinging bridge. Grandfather has a tall building. And we've all heard of Capitol Hill, not to mention Chapel Hill. We've heard some say in New York, you "can't," in Chicago, you "can't," in Charlotte, you "can't," in Greensboro, you "can't," and now some want to add one more "can't" —for Burke County.

I present to you my thoughts with courage in a decaying time when some seem to be unknowingly saying, "No need to be independent. No need to be proud. No need to be strong-willed. No need to be free. The government will take care of you." Shame, oh shame, oh shame.

The News Herald reported hearing a man say the pig pens should be built beside commissioners' homes who voted against a special Burke County ridge law. To me this seems to be a desire to punish individuals with beliefs different than another's.

I understand that in some countries

the punishment is death or imprisonment. Now this statement makes it easier for me to reason the two points of view expressed here. One of the points being, take a property right away, and the second point is, if the owner refuses, punish him. Now the two points are quite compatible.

I urge chairman (Jim) Cates to reconsider and I hope that commissioners Clark, Morgan, Williamson and Austin will not succumb to harassment nor be intimidated by some desiring them to go against their original opinion and reverse themselves.

I believe these commissioners should be proud of the action that they have taken. When I was a commissioner, I asked Mr. Eugene Willard of The News Herald, about using The News Herald to assist in opinion polls. He said he thought it wouldn't prove anything. I want to point this out to commissioners Clark and Williamson for whatever it's worth.

In closing I hope the commissioners will not take any action that will further reduce us to a colony of ants. My feelings are best expressed to quote, "Don't tread on me." Please attend the commissioners meeting tonight at 7 p.m. at the Human Resources Building to show your support for against.

JERRY McMAHON

Surry Will Control Tall Buildings

By David Givens
Journal Surry County Bureau

DOBSON — The Surry County commissioners voted yesterday to control the construction of tall buildings at any elevation in the county.

The new ordinance, approved unanimously, requires that the commissioners approve detailed plans for buildings more than 40 feet high.

The board also passed an amendment to the county's land development policy saying that 13 mountain ridges in Surry over 500 feet high "are worthy of protection and careful development."

Under the new ordinance, the Surry County Planning Board must first approve water, sewer and fire protection plans for tall buildings before making a recommendation to the commissioners.

The plans must also detail existing site conditions, adjacent areas and street plans.

The ordinance also prohibits any development

from harming the natural beauty of the mountains.

The planning board urged the commissioners last month to adopt a local ordinance before a new state law takes effect Jan. 1. The state law prohibits tall buildings on mountain ridges higher than 3,000 feet above sea level or more than 500 feet above the adjacent valley floor.

Counties may choose to enact their own ordinance controlling development or be left out of the state law after holding a referendum by May 8. Any county that does nothing will automatically come under the state law on Jan. 1.

No one attended a public hearing, required by law, held before the Surry ordinance was approved.

In other action at the meeting, Fletcher Harris was re-elected board chairman by a 2 to 1 vote.

C.J. Snow and Nancy C. Robertson voted for Harris. Kermit Draughn voted for Sam Couch. Harris and Couch did not vote.

U-5 JOURNAL 12/20/83

Burke Adopts More Stringent Ridge Law

HICKORY
DAILY By SUSAN MARSCHALK
Record Staff Writer

21 DEC 83

Other Burke Commission Stories, Page 3A.

MORGANTON — The Burke County commissioners on Tuesday reversed their decision of Dec. 6 and voted 3-2 to adopt a ridge law more stringent than the state law which will be effective Jan. 1.

Burke became the second Unifour county to enact a tougher ridge law than that the state version. The Caldwell County commissioners adopted an ordinance Monday night.

The state law prohibits buildings more than 40 feet tall on ridges higher than 3,000 feet and rising 500 feet above an adjacent valley floor. It was drafted in response to objections to a 10-story condominium on Little Sugar Mountain in Avery County.

The Burke County law drops the 3,000-foot elevation requirement and limits to 40 feet in height any building on

a ridge rising 500 feet or more above a valley floor.

The Burke commissioners voted 4-1 on Dec. 6 to take no action on the state ridge law, which will be effective Jan. 1. Chairman James B. Cates cast the dissenting vote.

The ridge law question, revived by Commissioner George B. Clark, was among several unresolved controversial issues scheduled for consideration Tuesday.

Those issues attracted a crowd who filled the commissioners' board room at the Human Resources Center and spilled over into the adjoining lobby.

Commissioner George B. Clark said he made the motion to reconsider the ridge law because of numerous telephone calls in support of more stringent county regulations.

Burke County's ridge law will affect High Peak, Mineral Springs and Burkemont mountains, in addition to the South Mountains.

The county Planning Board recommended in October that the commissioners drop the state's 3,000-foot elevation requirement.

Options in the matter included upholding the Planning Board recommendation or approving a referendum to decide if the county should be covered by the law at all.

Clark and Commissioner Bob E. Williamson voted with Cates to adopt the tougher law after speeches by proponents and opponents.

Commissioners Carroll W. Austin and Ernest M. Morgan again voted against a county ridge law.

Several property owners opposing the issue called for Williamson's resignation after the vote and charged that the commissioners did not represent the interests of county taxpayers.

No opposition to Caldwell County's adoption of a local ordinance was expressed at Monday's meeting of the county commissioners.

Louise P. Morgan, chairwoman of the Burke County Property Owners and Taxpayers Association, said she has received a number of calls from county property owners concerned that their "rights to utilize their property are in jeopardy."

Placing structures more than 40 feet high on the ridges can be controlled through building permits that require certain water and sewer availability, she said.

She said many of the "ballots" in favor of reconsidering the law turned in at The News Herald office last week reflected the wishes of "onlookers" who do not own

property.

"It is my right to wish somebody would do what I want, but there is a difference between (that and) dictating" the use of property, Mrs. Morgan said.

The county received by mail 85 opinions in favor of reconsidering the measure and 21 against. The mail-in comments were in response to News Herald publication of "ballots" to be filled in by county residents.

A box at The News Herald office yielded 136 opinions that the law should be reviewed again and no "votes" against reconsideration.

Morgan objected to "ballots" printed in the Morganton newspaper for responders to fill out. He said there is "nothing Democratic at all" about the process.

Attorney Robert Gage of Morganton spoke in favor of the tougher law. "It is a very tall house, indeed, that would exceed 40 feet," he said.

In response to a question from Williamson, Mrs. Morgan would not reveal how many property owners she represented.

Cates, Clark and Williamson said a majority of the telephone calls they received asked that the issue be reconsidered.

Williamson said he is "disappointed in the people of Burke County" for not contributing more input before the Dec. 6 vote.

After the vote, Morgan said, "Step by step, the concept of democracy is eroding, and you fellows (Cates, Williamson, Clark) have eroded it tonight."

Caldwell Approves Tougher Ridge Law

HICKORY
DAILY By CLARKE MORRISON
Record Staff Writer

20 DEC 83

Another Caldwell Commission Story, Page 3A.

LENOIR — The Caldwell County commissioners Monday night unanimously adopted an ordinance regulating construction on mountain tops.

The action toughens the state Ridge Law, which prohibits structures 40 feet or taller on ridges higher than 3,000 feet and more than 500 feet above an adjacent valley floor.

The ordinance, which takes effect Jan. 1, drops the 3,000-foot requirement, allowing the county to prohibit buildings 40 feet or taller on any ridge more than 500 feet

above an adjacent valley floor.

The county Planning Department will be responsible for enforcing the ordinance.

The ordinance will regulate about 24 mountains and ridges, including Hibriten Mountain near Lenoir, the Brushy Mountains in eastern Caldwell County and northern ridges in the Globe and Wilson Creek areas.

The state's 24 mountain counties have until Jan. 1 to make the Ridge Law more stringent with a local or-

dinance.

Monday night's action followed a public hearing at which no opposition to a local ordinance was expressed. Several county residents spoke in favor of its adoption.

"I want the commission to make sure our ridges around here more than 500 feet high never have any 10-story buildings on them," said Henry McFadyen of Lenoir.

McFadyen was referring to 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.

"It (the condominium) looks like a nuclear power plant," said Fred D. Pike of Lenoir. "It's the most awful looking thing I've ever seen in my life. It would be reprehensible for something like that to happen in this county."

"We are very proud of the natural beauty of this part of the world," said Alex G. Bernhardt of Lenoir. "I think it's the duty and privilege of everyone of us to try to preserve the beauty of what we have here. Once you tear up that landscape it won't come back to the way it is

today."

The resolution which authorizes the ordinance states that:

— Supplying water and disposing of sewage from large buildings on mountain tops could pollute the water supply of people at lower elevations.

— Providing fire protection to such areas would be difficult because of the lack of water supply.

— Tall buildings on ridges "detract from the natural beauty of the mountains" and are a hazard to air navigation.

The Burke County commissioners voted earlier this month not to adopt a local ordinance to regulate construction on peaks lower than 3,000 feet.

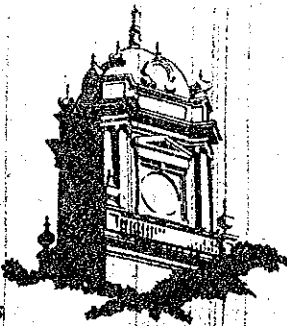
However, county officials say the matter will be brought back before the commission for consideration tonight.

Avery County commissioners passed the Avery County Mountain Ridge Protection ordinance prohibiting buildings taller than 40 feet or three stories on ridge tops. The board also adopted a companion ordinance prohibiting tall buildings in valleys, except in special cases.

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

Wilkes County officials also are reportedly considering passage of an ordinance.

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



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A Park Newspaper—34 pages

Vol. 98, No. 242

Tougher ridge law wins approval

By STEPHEN HARRIS
News Herald Staff Writer

Before a crowd of over 100 that flowed into the lobby, Burke County commissioners reversed an earlier decision and adopted a county ridge ordinance Tuesday night.

During a verbal exchange that sometimes became acrimonious between ridge ordinance opponents and proponent commissioners, the county board voted 3-2 for the ordinance. Commissioners George Clark and Bob Williamson changed their earlier, Dec.

6 votes and joined with fellow Democrat Jim Cates to adopt the measure.

The action came during a commissioners meeting in Morganton.

During the debate, Williamson exchanged heated words with Louise Morgan, spokeswoman for opponents, and her husband, opponent Commissioner Ernest Morgan.

Morgan and Commissioner Carroll Austin voted against the proposal.

After the vote, Morgan compared the action to that of Nazi Germany.

Morgan and Williamson then exchanged charges of working for special interests before Chairman Cates recessed the meeting to break up the argument.

Some disappointed opponents, encouraged to attend the meeting through radio ads aired Monday and Tuesday, tried to continue speaking. "You damn bunch on that side of the room (proponents) won't get elected next time," one opponent shouted.

The new county ordinance will prohibit any new building higher than 40

feet on a mountain ridge that is 500 feet from the surrounding valley floor. The measure preempts a similar state ridge law that will take effect Jan. 1.

The state ridge law lists an elevation minimum of 3,000 feet above sea level. Because of the elevation requirement, the state law did not apply to the higher elevations of the South Mountains, but the county ordinance will.

A copy of the county ordinance was not presented Tuesday night.

Before the vote, County Manager Jim Haynes gave the results of

newspaper ballots on the issue published at the request of Clark last week. The results were 266 for a stronger ridge ordinance and 21 against.

Clark asked The News Herald to publish a ballot for respondents to list their opinion on the ridge ordinance proposal.

Morgan immediately discounted the results, and he objected to calling the newspaper clippings "ballots." Austin called them "coupons."

"That is nothing democratic," Morgan said. "You can't expect anything but

this from them (the newspaper). It is not a vote."

Commissioner Carroll Austin later proposed holding a referendum on the issue during the May 8 primary election. But his proposal did not pick up support.

"A few dozen people show up and a few dozen coupons do not impress me a bit," Austin said.

The state ridge law allows for such a referendum, but only on exempting a county from the ridge law altogether.

Clark defended the newspaper effort and his changed vote.

"The majority of the people changed my mind," he said. "I had been approached to do something. I have not had any pressure put on me."

Clark said he was convinced by concerns about erosion from mountaintop building and fire protection, water and sewage disposal problems such building might cause. He said such development is costing taxpayers' dollars in Marion in clean-up costs.

Mrs. Morgan, head of the Burke County Property Owners and Taxpayers Association, which sponsored the radio ads, earlier was the spokeswoman for the opponents. She cited the concerns of property owners, and called the non-property owners backing the measure "onlookers."

"The property you are yearning to control," she said, "is owned by individuals. It is not government property. It is all too easy for a non-property owner to control what somebody else owns."

She gave commissioners copies of a controversial 1979 proposed subdivision ordinance, and called the ridge proposal the forerunner of other such zoning actions.

"This is what happens when an elected government takes a dictatorial posture toward its citizens," she said. "I don't believe you have the right to tell a property owner... that they don't have the right to do what they want with their property."

Proponent Robert Gage, speaking for the other side, said the county ordinance would not affect homes, but only high-rise structures such as the 10-story condominium atop Little Sugar Mountain which prompted the state ridge law.

"The beauty of Burke County is well-known throughout the state and throughout the country," he said. "The trade-off is very minimal."

Gage, a Morganton attorney, compared the county's responsibility to the land to the caretaker role of Adam and Eve in the Bible.

Morgan responded by reading a letter from former fellow Republican

Tougher ridge law approved

★ From page one

county Commissioner Jerry McMahon that was published in The News Herald Tuesday. The letter argued against the ridge law proposal.

Williamson said neither Cates nor The News Herald caused him to change his mind, but rather the public support of the proposal.

He then asked Mrs. Morgan, "Why did people start calling you and not us (commissioners)?"

During Mrs. Morgan's plea, Clark stumbled from his chair. Clark reached the meeting 20 minutes late, arriving from a two-day out-of-state business trip. "Louise, you put me to sleep," he joked.

The embarrassment later caused Williamson, noting Clark's three and one-half hour drive from Tennessee to reach the meeting, to tell the audience, "If any of you think he (Clark) is intox-

icated, will you please rule it out."

Williamson's remark did not deter an opponents to later yell out, "drunk, drunk."

Williamson then repeated his call for Mrs. Morgan to disclose how many members the Taxpayers Association has.

"Mr. Williamson," she replied, "I am not here to argue with you and make a show."

The commissioner said he encountered overwhelming public support for the measure.

He also said he was disappointed the public did not speak on the issue prior to the earlier, Dec. 6 vote.

Morgan responded that Williamson was controlled by "a special interest group."

"Mr. Morgan, you are a member of one of these special interests," Williamson replied.

The remark caused Cates to hurriedly recess the meeting.

★ Please turn to page 10A

N. C. Mountain Ridge Protection Act of 1983

"Since the time of the Indians and the pioneers, people have built in the valleys and on protected slopes, never on top of the mountains. We had no laws to protect ridges, because no one thought it was necessary. Now we know it is necessary." These words, spoken by Charles VonCanon, county commissioner from Avery County, introduce the recently released slide-tape show on the N.C. Mountain Ridge Protection Act. The media presentation was prepared by Western North Carolina Tomorrow (WNCT), a 17-county citizens leadership council, and is available to civic organizations and other groups.

Hugh Morton, former chairman of WNCT, takes up the narrative in the presentation. "Tom Mallonee and I had a meeting at a little restaurant in Linville, and as we were leaving, we bumped into Allen Traver of the Sugar Mountain Property Owners Association and I introduced Tom as the executive director of WNCT, an organization that is trying to encourage things that are good for the mountains and discourage those things that are bad for the mountains. Allen Travers said, 'if you've got an organization like that, you should do something about the monstrosity that we have on top of Sugar Mountain. We need a ridge law.'

"Just six months later, this was November 1982 that the subject of a ridge law first came up—we had a North Carolina ridge law. It's amazing how fast it moved. There were a lot of people that wanted it, saw the need for it, got behind it, and worked for it. It passed the General Assembly by a resounding vote, and I'm very proud to have been a part of it."

Former congressman Roy Taylor who represented the western district for over 16 years in the U.S. House of

Representatives was one of the principal backers of the ridge law. Taylor expresses his support for uniform implementation of the law in the WNCT slide-tape presentation. "By providing uniform protection for the mountain ridges in western North Carolina, we will serve the best interests of this generation and of our children and grandchildren." He adds, "Our beautiful mountain views are one of our most important economic resources. Tourists are not going to come to the mountains to look at high-rise buildings."

According to executive director Tom Mallonee, the purpose of the slide show is to inform the public. "The Mountain Ridge Protection Act relies heavily on local initiatives for implementation and enforcement," he explains. "It provides for considerable input and monitoring by the citizens of each county. WNCT feels that it is important that the people know the basic provisions of the act so they can work with local government officials for effective implementation and enforcement. We can arrange to bring the slide-tape to your civic organizations if you will write Western North Carolina Tomorrow, P.O. Box 222, Cullowhee, N.C. 28723, or call (704) 227-7492."

The media presentation explains some of the provisions of the law and gives a list of options available to local government. The law protects mountain ridges 3,000 feet in elevation or higher that rise 500 feet above an adjacent valley floor. Counties may, if they wish, apply the restrictions to ridges below 3,000 feet if they rise 500 feet or more above an adjacent valley floor. Buildings and structures over 40 feet tall or rising more than 35 feet above the crest of the ridge are prohibited. Utility and communications towers,

minor vertical projections of a building such as chimneys and steeples, and structures designated as historic sites are exempted from coverage.

Counties and cities have three basic options for complying with the act. They can pass ordinances regulating construction on protected ridges if they act by January 1, 1984. Counties can remove themselves from coverage by holding and passing a referendum to opt out by May 8, 1984. If no action is taken, the county comes under the protection of the mountain ridge act and must set up a mechanism for enforcing the law. If a county opts out of coverage, a city within the county can hold a separate referendum and opt back in if the referendum is held by May 13, 1986. A county can also opt back in later if it holds another referendum by May 13, 1986. If a county holds a referendum to opt out that fails to pass, the county comes under the Mountain Ridge Protection Act unless it previously passed an ordinance setting up its own implementation process in compliance with the act.

Assistance is available upon request from the western division of the N.C. Department of Natural Resources and Community Development. Maps showing those ridges that are protected under the act have been prepared and sent to each county. Ed Israel, regional manager of the western division, explains the assistance available. "The Mountain Ridge Protection Act of 1983 directs the secretary of the Department of Natural Resources and Community Development to provide technical assistance to cities and counties, on request, in order to help these local governmental units implement the law within their areas of jurisdiction. A model ordinance has been prepared by our community

assistance section which provides a permitting process and other measures. Community assistance planners can assist local planning staffs and attorneys by securing opinions and interpretations on legal questions from our department's legal staff, the attorney general's office, the Institute of Government, the League of Municipalities, and the County Commissioners Association." The person to contact for information and assistance at the regional office is Alan Lang, Avery County commissioner.

Charles VonCanon explains the actions he envisions for his county. "We plan an Avery County ridge law which we can enforce locally better than the state can and it will comply with state law. We may even go further than the state law in our permit system, because our people want it. They have seen what will happen without it. The ridge law makes sense. We in Avery County realize the importance of a law that makes sense. We in Avery County realize the importance of a law that will protect our mountain tops and ridges."