

# Tougher ridge law rejected by board

7 DEC 83

*MORGANTON*

By STEPHEN HARRIS  
News Herald Staff Writer

Despite pleas from conservationists, Burke County Commissioners soundly defeated a proposal to toughen the state ridge law in Burke County.

On a 4-1 vote during a meeting Tuesday night, commissioners decided to not amend the state law locally. The law that restricts tall buildings on mountain ridges will take effect statewide Jan. 1.

Commissioners rejected a unanimous recommendation from its Planning Board to include more mountain ridges under the law's restrictions, particularly those in the higher elevations of the South Mountains.

Commissioners objecting to the recommendation expressed an unwillingness to interfere with private owners of the land. Only Commission Chairman Jim Cates voted for the recommendation.

The proposal was to eliminate the ridge law's 3,000-foot elevation minimum in Burke County. Now, only the ridges on both sides of Linville Gorge plus some scattered mountain ridges in the Jonas Ridge area exceed the minimum height.

"I believe the erosion of the rights of private property owners are going too swiftly in America," said Commissioner Ernest Morgan, who sided with the majority. "I'd like to keep it from moving too swiftly."

"I respect those who want to preserve the outdoors," he added, "but I think we need to look at preserving the democratic process until we have a greater need (for the restriction) than now."

Commissioner Carroll Austin said

---

*'I'd hate to be  
restricted and say  
I couldn't have a  
building 42 feet high.'*

*—Austin*

---

too much was being made of the 10-story condominium built on Little Sugar Mountain in Avery County which prompted the enactment of the ridge law.

"I'd hate to be restricted and not say I couldn't build a structure 42 feet high," Austin said. "I respect a property owner's right to do something."

The ridge law bans buildings taller than 40 feet from a mountain ridge under the law's coverage.

Commissioner George Clark referred to the Christmas star built on Hibriten Mountain in Lenoir and the experimental windmill in Boone as mountaintop buildings that have received public support.

"I'd hate to see the right of these people taken away," he agreed.

The commissioners did not take heed to the pleas of six people who argued for a stronger ridge law.

John Middleton, representing the South Mountain Sierra Club, called the stronger law fair, even to property owners.

"I think this is an opportunity to give all the residents of Burke County an early Christmas present," he said.

"I think we can alleviate many of the problems that can occur in the future," explained Bob Benner. "We

---

★ Please turn to page 11A

4900  
1900  
900  
100



## Age law

★ From page one

can show the entire state that Burke County can be a leader, rather than for closing the barn door after the mule has escaped."

"I own a lot on one of the ridges," said Dr. Gresham Orrison, "and I would be distracted to look out and see a larger-than-40-foot building."

Orrison, a Morganton Planning Board member who recently was involved in a controversy about a proposed 10-story retirement center in the town, said the county had a chance to avoid similar squabbles in the future.

But those arguments were countered by one landowner, Bob Poovey.

"I own two ridges, and I worked hard for those ridges," Poovey said. "I don't believe you five men (commissioners) here ... have the right or the authority (to say) what I can or cannot put on my mountains."

Poovey, who said he has never seen the Little Sugar Mountain condominium, described the retirement center controversy as hypocrisy. An old house, which Poovey called an "eyesore" was located nearby but did not attract a similar outcry, he said.

One land developer, Joe Glasser, who is selling home tracts on High Peak Mountain, said he supports the 40-foot height restriction of the ridge law, but he questioned whether the law might lead to a total ban on mountaintop building.

"My only fear is, when you pass a law, you are opening a can of worms to every attorney in the world," Glasser said.

Poovey referred to a subdivision ordinance proposed for the county several years ago, but that zoning proposal was killed after a public outcry was made against the proposal.