

4353

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988

— ● —

ENROLLED

HOUSE BILL No. 4353

(By Mr. Delegates Boop and Ryan)

— ● —

Passed March 12, 1988

In Effect Ninety days from Passage

ENROLLED
H. B. 4353
(By DELEGATES ROOP and RYAN)

[Passed March 12, 1988; in effect ninety days from passage.]

AN ACT to amend and reenact section two, chapter one hundred seventy-six, acts of the Legislature, regular session, one thousand nine hundred eighty-five, as last amended and reenacted by chapter one hundred fifty-two, acts of the Legislature, regular session, one thousand nine hundred eighty-seven; and to amend chapter one hundred seventy-six, acts of the Legislature, regular session, one thousand nine hundred eighty-five, by adding thereto a new section, designated section two-a, all relating to the New River Parkway Authority; authorizing the parkway authority to set performance standards for land-use regulations along the parkway corridor; and requiring governmental entities within the corridor to adopt and enforce such standards.

Be it enacted by the Legislature of West Virginia:

That section two, chapter one hundred seventy-six, acts of the Legislature, regular session, one thousand nine hundred eighty-five, as last amended and reenacted by chapter one hundred fifty-two, acts of the Legislature, regular session, one thousand nine hundred eighty-seven, be amended and reenacted; and that chapter one hundred seventy-six, acts of the Legislature, regular session, one thousand nine hundred eighty-five, be amended by adding thereto a new section, designated section two-a, all to read as follows:

NEW RIVER PARKWAY AUTHORITY.

§2. Members; appointment; powers and duties generally; officers; bylaws; rules and regulations; compensation.

1 (a) The authority consists of nine voting members and
2 four to six ex officio nonvoting members.

3 (b) Three voting members shall be appointed by the
4 Mercer County Commission. Three voting members
5 shall be appointed by the Raleigh County Commission.
6 Three voting members shall be appointed by the
7 Summers County Commission. No more than two of the
8 three voting members appointed by a county commis-
9 sion may be members of the same political party, which
10 said members shall not be elected to, appointed to or
11 hold any other public office during their tenure as
12 members of said authority. The regular term of a voting
13 member shall be three years, provided that the terms
14 of the voting members initially appointed by a county
15 commission are as follows: One member shall be
16 appointed for a term of one year, one member shall be
17 appointed for a term of two years and one member shall
18 be appointed for a term of three years. Should a vacancy
19 occur, the person appointed to fill the vacancy shall
20 serve only for the unexpired portion thereof. All voting
21 members are eligible for reappointment. Any voting
22 member may be removed for cause by the appointing
23 county commission.

24 (c) The ex officio nonvoting members are the commis-
25 sioner of highways or his designee, the director of
26 natural resources or his designee, the commissioner of
27 agriculture or his designee, the commissioner of
28 commerce or his designee, and, if they choose to serve,
29 the district engineer of the Huntington District of the
30 United States Army Corps of Engineers or his designee
31 and the superintendent of the New River Gorge Na-
32 tional River or his designee. Any designee serving as a
33 nonvoting member may be removed at the will and
34 pleasure of the officer designating the member.

35 (d) Each voting member of the authority may be
36 compensated monthly by the county commission which
37 appointed such member in an amount to be fixed by said

38 county commission.

39 (e) There shall be an annual meeting of the authority
40 on the second Monday in July in each year and a
41 monthly meeting on a day and at such time as the
42 authority may designate in its bylaws. A special meeting
43 may be called by the president, the secretary or any
44 three voting members of the authority and may be held
45 only after all voting and nonvoting members are given
46 notice thereof in writing. Five voting members consti-
47 tute a quorum for all meetings. At each annual meeting
48 of the authority, it shall elect a president, vice president,
49 secretary and treasurer. The authority shall adopt such
50 bylaws. Rules and regulations are necessary for its own
51 operation and management. The authority has all but
52 only those powers necessary, incidental, convenient and
53 advisable for the following purposes:

54 (1) The preparation of a plan or plans for the New
55 River Parkway;

56 (2) Advocating actions consistent with that plan or its
57 provisions to or before any governmental entity or any
58 private person or entity; and

59 (3) Otherwise acting in an advisory capacity with
60 regard to any aspect of the New River Parkway upon
61 or without request to any governmental entity or private
62 person or entity. The authority shall not own or hold any
63 real estate or real property and shall not operate or
64 maintain the parkway.

**§2a. Setting of minimum standards for the regulation of
the use of property within the parkway corridor;
definition of corridor; presentation of standards to
governmental entities; requirement that govern-
mental entities adopt and enforce standards.**

1 (a) The authority may develop and set for land-use
2 regulations minimum performance standards which are
3 necessary to implement the authority's plan or plans and
4 which are consistent with the purpose of this chapter.
5 Such standards shall apply to the New River Parkway
6 corridor. For purposes of this chapter, "New River
7 Parkway Corridor" or "corridor" means that area within

8 five hundred feet of either side of the roadway. Areas
9 which the standards may address include:

10 (1) Buffer areas between the roadway and paved
11 parking areas;

12 (2) Landscaping or vegetation requirements;

13 (3) Land coverage, frontage, setback, design and
14 building height for new structures;

15 (4) Siting of new structures to enhance the scenic
16 qualities of the parkway and avoid visual intrusions;

17 (5) Design and placement of on-site advertising signs
18 along the parkway;

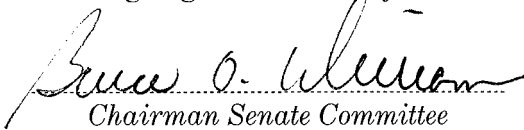
19 (6) The dumping or storing of refuse to prevent
20 deterioration of the natural or traditional parkway
21 scene: *Provided*, That such standards shall not discour-
22 age constructive development and uses of such property
23 which are consistent with the purpose of this chapter;
24 and

25 (7) Any other area, if regulation over such area is
26 consistent with the purpose of this chapter. Standards
27 which are developed by the authority shall not apply to
28 structures on property owned in the corridor existing
29 prior to the effective date of this section.

30 (b) Upon the development of standards, the authority
31 shall present such standards to relevant governmental
32 entities within the corridor. Such presentation shall
33 include relevant findings as to whether the plans of
34 development which relate to counties or municipalities
35 within the corridor conform with the authority's
36 performance standards, as well as specifications of each,
37 if any, deviation from the performance standards.

38 (c) Within thirty days of the presentation of the
39 authority's minimum performance standards, the
40 relevant governmental entities shall adopt and enforce
41 such standards in the corridor.

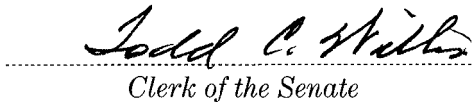
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

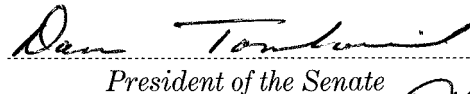

Chairman House Committee

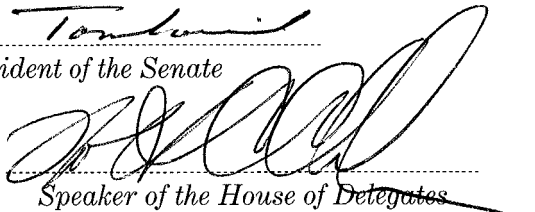
Originating in the House.



Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within  this the 
day of _____, 1988.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/88

Time 11:18 AM

RECEIVED

1808 APR -5 AM 8 51

OFFICE OF ASSISTANT
SECRETARY OF STATE