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HOUSE BILL NO. 1636

Offered January 16, 2020

A *BILL to amend the Code of Virginia by adding in Subtitle I of Title 10.1 a chapter numbered 10.4, consisting of sections numbered 10.1-1028, 10.1-1029, and 10.1-1030, relating to conservation of vulnerable mountain ridges.*

Patrons—Campbell, R.R., Avoli, Collins, Hodges, LaRock, McGuire, Morefield, Poindexter, Robinson, Walker, Ware, Wright and Wyatt

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Subtitle I of Title 10.1 a chapter numbered 10.4, consisting of sections numbered 10.1-1028, 10.1-1029, and 10.1-1030, as follows:

CHAPTER 10.4.**CONSERVATION OF VULNERABLE MOUNTAIN RIDGES.****§ 10.1-1028. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Mountain ridge" means the elongated crest or series of crests at the uppermost point of intersection of two opposite slopes of a mountain. "Mountain ridge" includes the land, located along both slopes of the ridge, that has an elevation within 100 feet of the elevation of the crest.

"Tall structure" means any building, structure, addition, or unit within a multiunit building that has a total vertical height of more than 50 feet measured from the top of the foundation to the uppermost point. Where the height of such foundation, measured from the natural finished grade of the crest of the ridge or the high side of the slope of the ridge, exceeds three feet, then the height in excess of three feet shall be included in the height of the structure for purposes of calculating its height. "Tall structure" does not include (i) a water, radio, telephone, or television tower or any equipment for the transmission of electricity or communications; (ii) a slender or minor vertical projection from a parent building, including a chimney, flagpole, flue, spire, steeple, belfry, cupola, antenna, pole, or wire; or (iii) a building or structure listed on the National or Virginia Register of Historic Places.

"Vulnerable mountain ridge" means a mountain ridge whose elevation (i) is at least 2,500 feet and (ii) is 500 or more feet above the elevation of an adjacent valley floor.

§ 10.1-1029. Conservation of vulnerable mountain ridges.

A. No person shall construct a tall structure on any vulnerable mountain ridge identified pursuant to § 10.1-1030 except in compliance with an ordinance adopted pursuant to subsection B.

B. Any county or city may by ordinance regulate the construction of tall structures on vulnerable mountain ridges. The ordinance shall apply to the construction on a vulnerable mountain ridge of a tall structure, an addition to a tall structure, or an addition to a structure that would make such structure a tall structure. The ordinance shall condition the issuance of a building permit for any such construction on the carrying out of specific steps to mitigate the effect of the structure on views of the vulnerable mountain ridge. The ordinance may by its terms additionally apply to mountain ridges other than vulnerable mountain ridges. Any county or city that adopts or amends an ordinance pursuant to this section shall transmit a copy of such ordinance to the Department of Conservation and Recreation.

C. The Department may develop a model ordinance for the use of counties and cities in conserving vulnerable mountain ridges.

D. Prior to January 1, 2022, the governing body of any county or city may petition the circuit court to order a referendum held within the locality on the question of opting out of the prohibition of subsection A. The provisions of § 24.2-684 shall govern the order for a referendum. If a majority of the electorate voting in such referendum vote "Yes," the prohibition in subsection A shall not apply to such county or city.

§ 10.1-1030. Identification of vulnerable mountain ridges.

The Department shall produce maps identifying vulnerable mountain ridges in each county or city in the Commonwealth and shall file copies of the appropriate maps with the land records in the circuit court in each county or city.

INTRODUCED

HB1636