INTERIM REPORT OF THE
ADVISORY COMMISSION ON
INTERGOVERNMENTAL RELATIONS

THE IMPACT OF AESTHETICS ON THE ECONOMY AND QUALITY OF LIFE IN VIRGINIA AND ITS LOCALITIES

TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA

HOUSE DOCUMENT NO. 90

COMMONWEALTH OF VIRGINIA
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COMMONWEALTH of VIRGINIA

Advisory Commission on Intergovernmental Relations

April 23, 1998

The Honorable James Gilmore
Governor of Virginia
and
Members of the General Assembly of Virginia

As required by House Joint Resolution 447 (1997), the Virginia Advisory Commission on Intergovernmental Relations (ACIR) is pleased to submit this report, which reflects the results of its initial research into the question of whether State and local efforts to preserve and enhance the quality of the visual environment increase communities' potential for economic development. This comprehensive study is the first of its kind in Virginia and possibly in the country. Its purposes are to heighten awareness of the importance of visual quality; to recognize the progress that has been made in enhancing the visual infrastructure in leading communities; to point out additional opportunities for improvement across the State; and to provide practical tools and strategies to assist in that effort.

This report primarily sets out the issues associated with efforts to improve visual quality, illustrated by numerous examples from specific Virginia communities. Due to the breadth of the subject, the ACIR requested an extension of this study from the 1998 session of the General Assembly. That request was approved by the General Assembly with the passage of House Joint Resolution 107 (1998).

The ACIR believes that this subject is important to citizens, to communities and to the State as a whole. We hope that this report will increase understanding and awaken further interest in the issue. The ACIR expects to submit its final report to the Governor and the 1998 session of the General Assembly.

Sincerely,

Vincent F. Callahan, Jr.
Member, House of Delegates

c: Members, Advisory Commission on
Intergovernmental Relations

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EXECUTIVE SUMMARY

In 1996, the Advisory Commission on Intergovernmental Relations (ACIR) heard testimony that the visual environment—all that is visible in the physical environment whether natural or manmade—was a fragile resource that was deteriorating rapidly in some areas due to a combination of forces such as chaotic unplanned growth, environmental degradation, and neglect. As a consequence, the state and some of its communities confronted the possibility of the irreparable loss of valuable assets, including some of the very scenic, cultural, historic, and other visual resources that distinguish Virginia as one of the most beautiful states in the country and contribute to its communities' character and sense of place. In addition, the ACIR heard evidence that many of these resources also strengthen the economic base of the Commonwealth and its communities. As a result, the ACIR undertook as one of its major projects for the year, a study of state and local efforts to preserve and protect these valuable resources. In 1997, the General Assembly formally requested in House Joint Resolution 447 that the ACIR present its findings and recommendations to the Governor and the General Assembly in 1998. However, because of the breadth of this subject and its complexity, the ACIR recommended, and the 1998 General Assembly agreed, that the study should be continued for another year. This interim report serves to present some of the issues involved in this study for public consideration.

There is little question that a quality visual environment is a valuable resource. Scientific evidence has established that individuals experience significant physiological and psychological benefits from being able to view scenes of nature and other attractive sights. Moreover, when asked how much they value having access to such quality visual experiences, individuals consistently respond that it ranks as one of their highest priorities for quality of life. Visual quality, then, can be aptly characterized as a basic human need. Furthermore, research shows that such experiences are not just a matter of personal taste. Contrary to popular belief, there is evidence to show a high level of agreement even among diverse groups of people about what constitutes visual quality.

Evidence also shows that by undertaking initiatives to improve the appearance of their communities, local officials can not only improve citizens' quality of life but also their communities' potential for economic development. For example, research indicates that many communities which have launched historic preservation and downtown revitalization programs have benefitted from, among other things, increased property values, the creation of new jobs, and growth in tourism. In the process, they have developed a wide range of strategies that can serve as models for others with the same goals. In some cases, these endeavors have focused on removing negative features, such as visual clutter or obstructions that block the view of their communities' distinctive characteristics. Other efforts have concentrated on the addition of positive design elements, such as coordinated street furniture and visual amenities or tailor-made franchise architecture that respects community character and blends with the visual environment. Still other initiatives have focused on protecting historic landmarks or fragile scenic resources such as mountain ridges and rivers from various forms of degradation. Localities across the state have initiated such projects and many have reported positive results.

The state also benefits from such efforts. Tourism, for example, is the state's third largest industry and is growing, largely due to efforts to preserve and promote Virginia's historic character and beauty. This influx of new tourists increases the state's tax base through greater retail sales

and the creation of new tourism-related jobs. In addition, the ACIR heard testimony that the visual appeal of communities and the quality of life they offer are among the most important factors executives weigh when deciding where to relocate a business. Thus, community efforts to preserve and enhance visual quality can also draw other new businesses in addition to those related to tourism, thereby further increasing economic opportunities for the state as a whole. More fundamentally, efforts to protect and improve the visual environment contribute intangible benefits to the state's citizenry such as an improved quality of life and a rich legacy for future generations.

Because of this strong state interest in visual quality, the state's interest in helping localities preserve and enhance the appearance of their communities is equally great. The ACIR heard extensive testimony about various state programs that provide substantial assistance, including historic preservation grants, challenge grants for the arts, and scenic byways assistance, to name only three. However, the ACIR also received testimony from local officials, citizens groups, and others who stressed that more can be done. Several testified that some state programs frustrate local efforts to preserve and enhance the visual environment. Others emphasized the need for greater authority to act in order to make needed improvements. By means of this report, the ACIR hopes to increase the awareness of these issues, to recognize leading communities, to document some of the programs presented to the ACIR as successful models, and to point out areas of continuing need.

INTRODUCTION

BACKGROUND

In April 1996, the Virginia Advisory Commission on Intergovernmental Relations (ACIR) undertook as one of its major projects for the year an unprecedented, comprehensive study of state and local efforts to preserve and enhance the Commonwealth's visual environment. It was agreed that the focus of the study would be an examination of governmental measures to protect and improve the scenic beauty of the rural areas as well as the natural, historic, architectural, and cultural amenities of Virginia's communities. Integral to the effort would be an inquiry into state and local authority to regulate aesthetics, the extent to which governmental bodies exercised such powers, and any needs that might exist for greater authority or additional incentives. In the continuing discussions of this study, two questions emerged as the principal issues to be addressed: does the appearance of a community affect its citizens' quality of life? and does a locality's visual environment affect its potential for economic development?

From the outset, the ACIR recognized that the study might be a long-term endeavor, but the consensus was that it would be valuable for several reasons:

(1) *Awareness of the Importance of the Visual Environment.* It was agreed that the ACIR's work could increase state and local officials' awareness of the subtle yet profound influence that aesthetically pleasing surroundings exert on both the quality of life of individuals and the economic vitality of communities.

(2) *Recognition of Leading Communities.* The study was also viewed as an opportunity to recognize the progress that has been made in protecting and improving the appearance of leading communities in the Commonwealth.

(3) *Identification of Continuing Needs.* Equally important, the ACIR work could serve to point out continuing needs and opportunities for further gains.

(4) *Inventory of Successful Models.* Finally, the study could provide concrete examples of approaches that had been used successfully in some communities which could serve as models for others.

In its remaining meetings of the year, the ACIR heard testimony from state and local officials, civic groups, nonprofit organizations, members of the business community, and others about the role of the visual environment in the lives of individuals and communities. This testimony disclosed that the subject was important, complex, and, for some, an issue that stirred strong passions. At the same time, these discussions made it clear that the topic had largely been overlooked as an area of official inquiry in Virginia. As a result, in January 1997, legislative members of the ACIR introduced House Joint Resolution 447 (HJR 447) formally requesting that the ACIR continue its study and report its findings and recommendations to the Governor and the 1998 Session of the General Assembly. The resolution was signed into law later that year.

APPROACH

Following the 1997 legislative session, the ACIR held a series of forums to explore further issues related to the visual environment. Each forum was held in conjunction with one of the ACIR's regular meetings, which were attended primarily by state and local officials and members of the public. In all, seven forums took place between September 9, 1996 and November 10, 1997, each on a different aspect of the issue. On these occasions, the ACIR heard testimony from state and local officials, environmentalists, attorneys, business leaders, representatives of community groups and other nonprofit organizations, and members of the academic community. Throughout this period, ACIR staff also solicited and reviewed relevant journals, newspapers, official reports and publications, as well as materials available over the Internet. As late as November 1997, however, the ACIR continued to hear new testimony. As a consequence of breadth and complexity of this issue, the ACIR recommended and the 1998 General Assembly agreed, that the study should be continued for another year. By means of this interim report, the ACIR presents for public consideration some of the issues involved in analyzing the relationship between state and local efforts to preserve and enhance the Commonwealth's visual environment and increased potential for economic development.

THE IMPORTANCE OF VISUAL QUALITY

GENERALLY

Virginia, unlike most other states, has always called itself a Commonwealth. This old-fashioned term is noteworthy because it suggests that as a state we prosper through the shared use and joint stewardship of community assets, our "common wealth." The bulk of this vast portfolio consists of physical resources such as clean water, state forests, roads, parks, schools, and museums, but a portion is also committed to intangible assets like airspace, rights-of-way, heritage, and scenic beauty.

Indeed, in Virginia, beauty makes a significant contribution to our well-being. Attractive cityscapes, picturesque countryside, and spectacular natural vistas are ours to enjoy with little effort no matter what part of the state we choose to visit. These magnificent visual resources enrich our surroundings and make life pleasant. But they also do more. They attract others here to vacation, to relocate businesses, to make movies, and to engage in countless other activities that strengthen our economy and generate greater wealth. For all of these reasons, Virginia's rich visual environment can easily be classified as a valuable, though intangible, commonwealth asset.

Exactly how valuable is it? One answer is that the value of visual quality is intrinsic; by itself, it enhances our lives. Since such a contribution is priceless, measurement is impossible. Yet, there are other legitimate answers to this question, too. The Advisory Commission on Intergovernmental Relations (ACIR) repeatedly heard testimony that Virginia's visual resources, more than many others, help shape the character of communities and give them a flair all of their own.[1] While character and sense of place are also intangible qualities, they have been correlated consistently with concrete economic development gains, realized most often through higher property values, greater retail sales revenue, and increased tourist spending.[2] This means that improving the way communities look can increase state and local revenues.

Why then is aesthetics so often dismissed as a frill or considered only as an afterthought in public policy-making and planning? The problem may be a failure to appreciate the close association between improving visual quality and increasing a community's appeal to residents, tourists, investors, and others. For most of us, the influence of the visual environment is barely perceptible, at times even subliminal. For some, it is a salient concern having an immediate and profound impact. Although science shows how deeply our visual environment can affect us, and while numerous localities have proved its importance in community revitalization, most of us are unaccustomed to thinking about our visual experience of the world at all.[3] Finding adequate words

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[1] See, for example, testimony of Ray Foote, Director of Planning and Development, Scenic America, presented to the Advisory Commission on Intergovernmental Relations (ACIR) November 11, 1996.

[2] For specific examples of these benefits to communities, see discussion of historic districts and downtown revitalization below.

[3] See, for example, discussion below of the physiological and psychological effects on individuals of viewing nature scenes.

to discuss it is difficult enough. Grasping its value as a tool for economic development may be an even greater challenge.

Clearly those of us who have the ability to see use sight far more than any of our other senses to help us perceive the world and interact with it. Nevertheless, we tend to take on faith that what we view day after day has little effect on us or on our communities. As an underpinning for public policy, this assumption is probably a serious mistake. Regardless of how unfamiliar the idea may be, aesthetics is too important to be ignored. As this report will disclose, the visual environment is important to individuals; it is important to communities; and it is important to the Commonwealth as a whole.

IMPORTANCE TO INDIVIDUALS: PHYSIOLOGICAL AND PSYCHOLOGICAL BENEFITS, IMPROVED QUALITY OF LIFE

The fact that people enjoy an attractive view is hardly news. Travel brochures typically use photographs of lovely scenes to entice vacationers to remote destinations. Workers know intuitively that a pleasing view can distinguish a prestigious office from an ordinary one. What is newsworthy, though, is recent evidence proving the strength of this affinity for quality visual experiences and its remarkable effect on individuals both physiologically and psychologically.

One researcher, Dr. Roger S. Ulrich, found that he could substantially reduce the blood pressure and muscle tension of individuals under stress within approximately five minutes merely by having them view pictures of nature scenes.[4] Similarly, he discovered that postoperative patients who could see trees from their hospital windows recovered more quickly, experienced fewer medical complications, and required fewer doses of pain medication than those who could see only a brick wall from their windows or who had no windows at all.[5] He further established that a lack of visual stimulation could lead to increased risk of anxiety, depression, delirium, and temporary psychosis.[6]

Other research supports these findings. Scientists have discovered that people who can see scenes with trees and flowers as they work report less pressure from their jobs, experience greater job satisfaction, and have fewer medical complaints than those who either have no outside view or who can see only man-made objects from their windows.[7] Similarly, a study of prison inmates

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[4] Roger S.Ulrich, "How Design Impacts Wellness," *Healthcare Forum Journal*, September–October 1992, p. 25. (Hereafter, "Design Impacts.") See also, Roger S. Ulrich, "The Role of Trees in Human Well-Being and Health," in P. D. Rodbell, ed., *Proceedings of the Fourth Urban Forestry Conference* (American Forestry Association), 1990, pp. 25–30; Roger S. Ulrich, "Human Responses to Vegetation and Landscapes," *Landscape and Urban Planning*, v. 13, 1986, pp. 29–44; and Roger S. Ulrich *et al.*, "Stress Recovery During Exposure to Natural and Urban Environments," *Journal of Environmental Psychology*, v. 11, 1991, pp. 201–230.

[5] "Design Impacts," p. 25.

[6] "Design Impacts," p. 20.

[7] S. Kaplan *et al.*, "Coping with Daily Hassles: The Impact of Nearby Nature on the Work Environment," Project Report. U. S. Dept. Agr. For. Serv., North Central For. Expt. Sta., Urban For. Unit Coop. Agreement 23-85-08, cited in Diane Relf, "Human Issues in Horticulture," *HortTechnology*, v. 2, no. 2, April-June 1992, p. 162.

disclosed that those with window views of neighboring farms and trees have fewer medical complaints than others who can only see prison grounds from their cells.[8] What these and related studies establish is that a pleasing visual environment, especially one that includes natural beauty, can soothe and even heal our bodies and minds.

In fact, when researchers ask people directly how important access to a quality visual environment is to them, respondents consistently answer that it ranks among their highest priorities.[9] For example, in a 1997 quality-of-life poll, 786 registered voters representing a broad cross section of Virginians were asked, among other things, why they enjoyed living in the Commonwealth. The most frequently cited reason they gave was "having access to places of natural beauty, such as mountains or rivers." (43%)[10] In a 1996 Virginia Outdoors Survey of 2,400 Virginia households, 87% of those questioned said that protecting open space and other visual resources was either "important" or "very important" to them.[11] An earlier poll of Virginians disclosed essentially the same thing. In a 1990 telephone survey of 842 residents throughout the state, the majority ranked "preserving the historical, rural, and natural beauty of Virginia" as an extremely important concern, second only to education.[12]

Such results have been corroborated repeatedly by similar surveys of individuals not only from other parts of the United States but also from other countries.[13] The implication of these and related findings is clear: people value quality visual experiences as one of their basic needs for satisfaction and enjoyment in life. Indeed, many say that for them the experience of natural beauty and of certain extraordinary manmade spaces such as parks, monuments, museums, or cathedrals can be spiritual.

(Hereafter, "Human Issues.")

8 E. O. Moore, "A Prison Environment's Effect on Health Care Service Demands," *Journal of Environmental Systems*, v. 11, no. 1, 1981, pp. 17–34, cited in "Human Issues," p. 162.

9 However, not all quality-of-life surveys are designed to measure the importance of visual quality in individuals' lives. For example, the Virginia Polytechnic Institute and State University annually publishes an extensive quality-of-life survey called *Quality of Life in Virginia* that does not solicit such information. As a result, it neither supports nor contradicts the findings of other surveys on the subject.

10 Executive Summary, Peter D. Hart Research and Public Opinion Strategies poll sponsored by the Virginia Environmental Endowment, April 1997, p. 1.

11 Testimony of Ronald L. Hedlund, Planning and Recreation Resources Division Director, Department of Conservation and Recreation, presented to the ACIR November 10, 1997.

12 Survey Report, "Attitudes of Virginians Regarding Growth and Development" (Mason Dixon Opinion Research, Inc.), May 30, 1990. This survey was sponsored by the Piedmont Environmental Council.

13 For example, in one such survey, the strongest determinant of residential neighborhood satisfaction was ease of access to nature, which respondents rated second only to a good marriage as the most important factor in overall life satisfaction. M. Fried, "Residential Attachment: Sources of Residential and Community Satisfaction," *Journal of Social Science*, v. 38, no. 3, 1982, pp. 107–119, cited in "Human Issues," p. 164.

IMPORTANCE TO COMMUNITIES: BETTER PLACES TO LIVE, GREATER POTENTIAL FOR ECONOMIC DEVELOPMENT

This high degree of consensus about the significance of visual quality to individuals is striking. Its significance should not escape community leaders. As many innovative local officials throughout the Commonwealth have already proven, the strong feelings people have about the appearance of their surroundings can translate into a variety of opportunities for communities, including the chance for increased economic development. Thus, improving the appearance of the communities Virginians love is likely to lead to win/win solutions both for citizens and for public officials.

Local Tools and Programs

Because this is true, many communities have placed a high priority on enhancing visual quality and have launched programs that can serve as models for others with the same goals.

Enhanced Community Appearance: Citizen Involvement. How then might local officials begin to improve the appearance of their communities? According to those with experience, the first step is to inventory existing visual resources and then to involve a broad cross-section of the community in analyzing that information and developing strategies for improvements.[14] Not only is it good politics to solicit citizens' ideas and opinions about their community's appearance, it may be crucial to success.[15] To encourage this kind of broad-based citizen involvement, local officials across the state indicate that they have found several techniques especially helpful.

One approach planners cite as particularly effective is the "charrette," a collaborative process in which interested individuals work as a group with public officials and professionals to develop a plan they can all support. When members of the group represent opposing interests and points of view, their interaction during the group session can lead to workable solutions that eliminate the need for costly litigation or delays later in the process. Arlington County, for example, has repeatedly found charrettes useful as a means of involving citizens in the selection of design elements for specific parts of the community. In fact, Arlington planners report that charrettes and other citizen-involvement techniques have become so common there that members of the community now expect to be involved and refer to inclusive decision-making colloquially as "the Arlington way."[16]

Generally charrettes take place at one location with individuals working face to face over a specified period of time. However, a variation of this process that also seems promising is the

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[14] For an example of a comprehensive visual resources inventory, see *Visual Resources: Southern and Western Area*, Chesterfield County Planning Department, 1992.

[15] This point is almost universally accepted. For one reference, see "Anton C. Nelessen and James Constantine, "Understanding and Making Use of People's Visual Preferences," *Planning Commissioners Journal*, no. 9, March–April 1993, p. 12.

[16] ACIR staff obtained this information in conversation with Reggie Nixon of Arlington County's Planning Department, March 21, 1997.

electronic charrette. Currently planners and local officials in the City of Richmond are using this approach as part of a process to create a master plan to revitalize historic Jackson Ward.[17] This procedure combines traditional planning approaches such as community meetings and neighborhood surveys with sophisticated Internet tools like web pages, on-line forums, chat rooms, bulletin boards, and electronic mail. In the Richmond project, the electronic charrette is serving not only to collect valuable data for the master plan, but also to educate a low-income population in the use of emerging information technologies.

Computer simulations and community image surveys have also been found to be powerful tools for involving citizens in community appearance decision-making.[18] During the surveys, groups of participants are shown sample photographs, slides, or computer-simulated alternatives of possible design elements for their communities. As they view the contrasting images, participants take a few seconds to rate each one on a standardized form using a predetermined rating scale. Later they discuss the survey results as a group, learning from one another which design details and characteristics evoke strong positive or negative reactions and why. Planners and community leaders can learn which features meet with widespread approval or disapproval and can use this information to develop proposals likely to gain strong community support. They can also keep survey results on file for use in future planning projects. Local officials report that consensus-building techniques like these help them identify needs, work with the community to develop a "vision" to address them, and generate enthusiasm for significant change.[19]

Community Approaches with Character: Gateways. Many design elements contribute, for better or worse, to a community's appearance. From a positive perspective, this means that opportunities abound for most communities to enhance their appearance. One element that numerous localities have added to improve visual quality and simultaneously increase community identity and civic pride is the community "gateway." A gateway is an inviting approach to a community or its neighborhoods which signals that the area one is about to enter is a special place.

Gateways may take the form of actual gates or archways, landscaped signs, tree-lined drives, natural vistas along a highway interchanges, or urban entrance corridors with distinctive signs, attractive lighting, and landscaping. Gateways help define and communicate the community's unique character, counteracting the visual homogenization that all too often results from the proliferation of gas stations, fast food restaurants, and motels franchises, especially along highway corridors.[20]

Gateway projects have been undertaken throughout Virginia. One particularly noteworthy example grew out of the need to improve the visual environment along Interstate 81, a 328-mile

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17 The Community Design Assistance Center, which is part of the College of Architecture and Urban Studies program at the Virginia Polytechnic Institute and State University, designed this electronic charrette.

18 See Anton C. Nelessen., *Visions for a New American Dream*, 1994.

19 For a detailed description of how this process was used successfully in one Virginia community, see Jennifer Kibby, "Banner Decision Snowballs into ... Developing a Streetscape Plan in Staunton," *Virginia Main Street Monitor*, v. 10, no. 1, August 1997, p. 7. (Hereafter, "Streetscape Plan in Staunton.")

20 Suzanne Sutro Rhees, "Gateways: Creating Civic Identity," *Planning Commissioners Journal*, no. 21, Winter 1996, p. 7. (Hereafter, "Gateways: Civic Identity.")

corridor rated as a scenic highway by the Automobile Association of American. A multi-agency planning group, the I-81 Corridor Council, commissioned a study, which resulted in proposed design standards for four highway interchanges: a historic town gateway for the Town of New Market, a gateway to parks and recreational areas near the Town of Marion, and gateways to college campuses and historic resources in the City of Lexington and the Town of Dublin.[21] Several gateway projects along I-81 were initiated as a result. In another case, a group of business leaders in the City of Martinsville founded a nonprofit organization, the Gateway Streetscape Foundation, to fund gateway and related projects in and around that City. One result was an attractive five-mile landscaped road that now connects Martinsville's former courthouse with its new one. A combination of local funds and private donations helps the foundation pay for a full-time horticulturist to maintain its projects.[22]

Research suggests that whether a community's prominent features are natural or man-made, gateways like these offer an opportunity to pinpoint for residents and announce to visitors the area's special appeal. To initiate a gateway project, a community can identify the gateway concept in its comprehensive plan; use its zoning ordinance and reviews of development proposals for adjacent areas to implement it; and then enforce land use regulations in the area to ensure that signage and commercial development near the gateway do not dilute its impact.

Streetscapes That Convey a Sense of Order. Once motorists and pedestrians venture past a community's gateway, the sights they encounter are likely to influence their decisions about whether to stay and, if so, for how long and whether to return or to encourage others to do so. Each of these decisions can have important economic ramifications for the area. As a result, communities that make an effort to project a positive image from street to street place themselves in better positions to realize tangible economic benefits from the positive impressions they make than those that fail to use their visual resources to their advantage. Experience shows that a quality visual environment is no accident. Researchers caution that communities which do not take visual quality into account in planning and then enforce applicable land use regulations to ensure that those plans are realized generally default to visual pollution.[23]

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21 "Gateways: Civic Identity," p. 7. See also *Interstate 81 View Planning Project* developed by Hill Studio, P. C. (Roanoke), December 1992.

22 "Gateways: Civic Identity," p. 7. Note that for eligible gateway projects, an additional funding option may be federal funding provided by federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) "Transportation Enhancements," Pub. L. No. 102-240. This legislation includes funding for corridor management planning, acquisition of scenic easements, and billboard removal. It also authorizes expenditures for pedestrian, bicycle, and other off-highway trails and facilities, for a system of national and state scenic byways, and for historic preservation as part of an area's transportation system. Since 1992, Virginia communities received more than $42 million in ISTEA enhancement funds. Testimony of Earl Robb, Environmental Quality Administrator, Virginia Department of Transportation, presented to the ACIR November 10, 1997.

23 See, for example, Edward T. McMahon, "Sign Regulation," *Planning Commissioners Journal*, no. 25, Winter 1996–97, pp. 12–17. Note that the regulation of aesthetics *per se* has been upheld by the United States Supreme Court. See *Berman v. Parker*, 348 U. S. 26 (1954) ("It is within the power of the legislature to determine that the community should be beautiful as well as healthy ....") However, Virginia remains one of a small minority of states that do not recognize aesthetics as the sole basis for a locality's exercise of its police powers, although it

How does a street convey a positive image? Despite conventional wisdom that aesthetics is too subjective an issue to be a major factor in public decision-making, recent research of individual preferences has disclosed so much agreement on the subject that several basic principles can be articulated.[24] An important one is that a streetscape should convey a sense of order. If a community's appearance is an amalgam of incompatible architectural styles, garish signs, blight, graffiti, or other visual clutter, the message it communicates is chaotic and disconcerting. Order, on the other hand, subtly reassures the viewer that those who live in the area have such high regard for it they are willing to commit their time, attention, and tax dollars to ensuring that even its fine points are just right.

For communities that want to present this kind of image, an important goal may be to eliminate visual "noise" and to substitute elements that combine to create a more organized visual landscape. One strategy to achieve this objective is to develop an overall concept for the area as part of the community's comprehensive plan and to link it to the community's zoning ordinance and official map with specific overlay districts indicating the affected streets.[25] As part of the plan, officials may regulate such visual elements as on-premise signs, landscaping, setback requirements, and parking lot screening, among others. The City of Charlottesville's urban design plan, for example, took this approach and thereby improved both the appearance and the functionality of historic districts, a commercial business district, the area near the University of Virginia, and the downtown.[26] Another example is Henrico County's overlay district along the far west end of Broad Street which regulates landscaping features, signage, and other elements of new commercial development in that rapidly growing area of the County.[27]

Although some communities have found that imaginative techniques to improve community appearance saved money even at the outset, in the short term community appearance improvement projects are often more costly than either ignoring existing problems or accepting less attractive alternatives. However, there is substantial evidence to indicate that in most cases, the benefits, including economic gains, generally outweigh those initial costs over time. For example, developing a reputation as a choice travel destination could earn a community a greater share of Virginia's growing tourist revenues, which topped $10.5 billion in 1996.[28] Throughout the state, many innovative localities have already set out on a course to improve the way their communities look, and, as the following sections indicate, some have achieved extraordinary results.

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considerations ... need not be disregarded in adopting legislation to promote the general welfare").

24 See, for example, Jack Nassar, *The Evaluative Image of the Street*, 1998. See also Anton C. Nelessen, *Visions for a New American Dream*, 1994.

25 Testimony of Katherine Slaughter, Mayor, City of Charlottesville, presented to the ACIR October 21, 1996.

26 Testimony of Katherine Slaughter, Mayor, City of Charlottesville, presented to the ACIR October 21, 1996.

27 See Claude Burrows, "County to outline broad street corridor guidelines," *Richmond Times-Dispatch* (Richmond, Va.), June 4, 1996, p. B3.

28 Testimony of Patrick McMahon, President, Virginia Tourism Corporation, presented to the ACIR October 20, 1997.

Underground Utilities—Local officials indicated to the ACIR that one of the most effective approaches to creating more orderly and more attractive streetscapes is the removal of overhead electric, telephone, and cable wires and equipment.[29] Although this infrastructure is necessary, it does not have to be on view. The unpleasant sight of exposed overhead wires and utility poles can be eliminated by burying the wiring underground, allowing the community to showcase its natural, scenic, and other special features instead.

Generally, such projects are expensive, but the improvement in visual quality can be worth the cost. In the City of Newport News, for example, the total bill for burying utility wires underground along a main highway corridor reached approximately $10 million, which the City shared with the Virginia Department of Transportation (VDOT). However, the City realized additional savings from the reduced cost of maintaining trees.[30] The City of Falls Church and the Town of Vienna offer other examples of underground wiring projects considered successful in their communities. In the latter case, Vienna determined that even though it could not afford to remove all of its overhead utility wiring, a partial clean-up of its utilities would benefit its downtown businesses.[31]

Sign Control—There is evidence to suggest that sign control is an equally powerful means of bringing order to a community's visual landscape. The ACIR heard that few elements can ruin the distinctive character of an area as quickly as billboards, monopoles, and other manifestations of sign clutter. Yet, if unrestrained, business by its nature is likely to err on the side of creating a more and more hectic and confused visual environment, as business owners vie to erect the most, the largest, the brightest, or the most obtrusively situated signs possible. From the point of view of individual business owners, the appeal of such unfettered freedom is understandable. Their underlying hope is to capture the attention of prospective customers passing by, so the more ostentatious the sign, the better. Particularly if traffic is moving quickly, a larger and gaudier sign may seem appropriate. How can one more sign hurt? The problem is the signs' cumulative effect. Ironically, amid the confusion, a particular business's message may well be lost.

For many communities the solution has been to adopt a sign ordinance that controls on-premise sign features such as size, number, placement, lighting, landscaping, and materials in a way that reinforces the area's distinctive qualities and brings order to the visual environment.[32]

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[29] Testimony of Mr. Jackson C. Tuttle, City Manager for the City of Williamsburg, presented to the ACIR October 20, 1997. See also letter from Mr. Tuttle to the ACIR dated November 10, 1997.

[30] Testimony of Ed Maroney, City Manager, City of Newport News, presented to the ACIR October 21, 1996.

[31] *Community Appearance News* (Community Appearance Alliance of Northern Virginia), v. 5, no. 1, January–February 1997, p. 1. See also *Community Appearance and the Law: Do Current Regulations Help or Hinder Visual Attractiveness?* (Community Appearance Alliance of Northern Virginia), 1992, pp. 25-31. (Hereafter, *Community Appearance and the Law*).

[32] However, regulation of the content of the sign's message is not advisable since it could raise constitutional objections. See, for example, *Adams Outdoor Advertising v. City of Newport News*, 236 VA 370 (1988) (regulation of sign content held to have abridged right of free speech).

Clarke County, James City County and the Town of Blacksburg offer three examples. Regulations of this kind, if well crafted, are inherently fair because they affect all business owners in the district equally.[33] In addition, sign control is good for business. By promoting a "quieter" visual environment with a sense of order, sign regulations help create a soothing atmosphere in which people like to shop. With readable and attractive but smaller signs, businesses can also save advertising costs.

Off-premise signs, commonly known as billboards or outdoor advertising, can also overwhelm the visual landscape with sign clutter, yet with even less justification. An owner of a particular business establishment requires a sign at that site, possibly even with specific sign features, to provide information to help customers distinguish that business from others. But off-premise signs cannot make the same claim. Such signs constitute a distinct business enterprise, whose profits generally flow from distracting the traveling public's attention away from publicly funded roads to random advertising messages. Commanding visual impacts are their essence. As a result, many localities consider them a threat to both motorist safety and visual quality and strictly control them.[34] Loudoun County and the Cities of Alexandria, Charlottesville, and Virginia Beach are among the numerous Virginia localities that ban billboards outright.[35]

Telecommunications Tower Siting—Cellular towers threaten to engulf orderly, pleasant street scenes with a new brand of visual clutter. As the number of wireless telephone customers steadily increases, the demand for better call quality and greater area coverage continues to grow. To accommodate the rapid expansion of the telecommunications industry, cellular towers are

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[33] Property owners may nevertheless resist proposed land use restrictions. Note that recent U. S. Supreme Court decisions have lent more weight to their arguments, establishing that local ordinances not only have to meet the relatively permissive due process requirements of the 14th amendment but also more stringent 5th amendment "takings" challenges. See, for example, *Nollan v. California Coastal Commission*, 483 U. S. 825 (1987) (beach access requirement to avoid obstruction of ocean view held to violate owner's 5th amendment rights); *Lucas v. South Carolina Coastal Council*, 505 U. S. 1003 (1992) (loss of economically viable use of property unconstitutional); and *Dolan v. City of Tigard*, 512 U. S. 374 (1994) (required dedication of easement for bike path and stormwater management a taking). However, localities still have viable options in regulating aesthetics. See Irving Schiffman, "The Property Rights Challenge: What's a Planner to Do?" *Planning Commissioner's Journal*, no. 21, Winter 1996, pp. 11–13. Note also that takings jurisprudence is essentially the same for both Virginia and federal cases. However, the Virginia Supreme Court has shown great deference to local governing bodies in the last twenty years. See John Foote, "Planning and Zoning in Virginia," *Handbook for Local Government Attorneys*, (Local Government Attorneys of Virginia, Inc.), 1996, pp. 10-1—10-67.

[34] For local authority to remove nonconforming billboards and other structures, see Virginia Code § 15.2–2307. See also 1983–84 Op. Att'y Gen 269 (1983) (ordinance requiring amortization of billboards valid if reasonably applied).

[35] See also discussion of outdoor advertising along highway corridors below. Note that the Outdoor Advertising Association of Virginia sponsored a 1998 poll concerning individuals' perceptions of billboards, which was conducted by the Virginia Commonwealth University School of Business. It found that of the 801 adults questioned approximately three-fourths said they did not find billboards as annoying as litter or potholes but considered them a legitimate business that provided specific benefits to travelers. Otesa Middleton, "Survey: Drivers like billboards," *Richmond Times-Dispatch* (Richmond, Va.), December 31, 1997, p. B5.

multiplying throughout Virginia just as they are across the country. The ACIR heard testimony from local officials and others that this proliferation of cellular towers jeopardizes the quality of a community's visual landscape because of the structures' great height, their bland uniform appearance, and their number and concentration. Evidence suggests that, like exposed utility wires, communications towers can spoil the panorama of an area's scenic and other special features, reducing the exquisite to the merely ordinary.

Although the Telecommunications Act of 1996 prohibits localities from banning telecommunications services or from discriminating against providers, local officials can regulate the placement of cell towers to make them less conspicuous.[36] Many localities encourage collocation of equipment on new and existing towers so that a single structure can accommodate more equipment and reduce the need for additional new towers. In addition, local governments are also insisting that, where possible, telecommunications antennae and other equipment be attached to existing structures such as church spires, chimneys, silos, and bell towers or otherwise be camouflaged to reduce their intrusion into the visual environment.[37]

According to local officials, Hanover County's master plan for the placement of cellular communications towers provides an excellent model.[38] Numerous other localities have made headway, too. Henrico County, for example, recently persuaded a telecommunications provider to use an existing electrical transmission tower to support its antennae and equipment instead of constructing a new cellular tower.[39] Fairfax County officials organized a task force of citizens, industry representatives, and public officials to recommend guidelines for providing adequate telecommunications coverage yet minimizing the obtrusive visual impact of such technology on residential areas and public space.[40] In one noteworthy case in Fairfax County, a cellular tower placed on the grounds of historic Mount Vernon was disguised as a white fir tree with plastic needles and rubber bark.[41]

The rapid pace of technological changes in the telecommunications industry also raises related questions. In addition to the need to address the current visual impacts of cellular towers, concerned local officials and citizens are seeking greater authority to require the removal of towers

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[36] Pub. L. No. 104-104.

[37] See Bill Fritz, "Planning for Wireless Communications," *The VCPA Newsletter* (Virginia Citizens Planning Association), v. 47, no. 3–4, September–December 1997, pp. 3–5.

[38] Joe Poole, Architect and Real Estate Development Manager for Colonial Williamsburg, presentation to Hanover County's "Where Do We Grow from Here?" forum, November 6, 1997.

[39] "Disguising Cellular Towers and Antennae," *Virginia Citizens Planning Association Newsletter*, v. 47, no. 3–4, September–December 1997, p. 5.

[40] "Fairfax County, VA Moves to Control Cellular Tower Proliferation," *The Grassroots Advocate* (Scenic America), September 1996, p. 1.

[41] Mike Allen, "That's no fir tree; it's a transmitter tower," *Richmond Times-Dispatch* (Richmond, Va.), June 2, 1996, p. A1.

once they become obsolete.[42] They argue that otherwise the huge structures may continue to dominate the skyline even though they may no longer be necessary in just a few years time.

Compatible Franchise Design—Fast-food restaurants and other franchises are popular additions to communities for a variety of good reasons, but they can also cause problems. Among these, the standardized low-quality style of architecture associated with many national chains can dilute the very features that define community character and give an area its special look. Yet unless corporate planners meet resistance, they may be driven to take the cheapest, easiest course, which is often to construct essentially the identical gas station, motel, or restaurant in each locality throughout the country. Ironically, by doing so they can detract from the special characteristics of the community that may have drawn corporate representatives to it in the first place and which, evidence shows, can also be a source of their economic success.

Local officials can negotiate for more respect for their communities' distinctive features, and many have done so. When a national toy store chain and a service station company each sought to open a new location in Albemarle County, County officials persuaded them to alter their blueprints to make the proposed new buildings blend with the visual landscape and respect community identity.[43] Similarly, Chesterfield County won concessions from a corporate fast-food franchise that resulted in an attractive two-story brick structure reminiscent of colonial homes in the area.[44]

Appropriate Scale—Uniformity and lack of character are not the only drawbacks of many of today's buildings. Visual elements built to the wrong scale thwart time-honored aesthetic qualities. There is evidence to suggest that some retail structures can be disruptive because of their immense size. For example, a "big box" retailer which operates from a structure that doubles as a warehouse can overpower all other visual elements in the area, upsetting the harmony, rhythm, balance, and unity that contribute to a sense of order and make a street pleasing to the eye.

In addition to out-of-scale retail buildings, a parking lot or an exaggerated setback in front of a building, a vacant space between two buildings, or buildings of drastically different heights all contradict the visual message of unity and order that the rhythmic side-by-side alignment of buildings of similar proportions on both sides of the street can create. The ACIR heard from planners and other local officials that the solution is to design buildings in context, on a scale appropriate to the area in order to reinforce the community's architectural scheme and unique character. For example, trees or shrubbery can screen parking lots to reduce their negative visual impact. Another option is to provide parking either on the street or behind buildings to make parking areas less obtrusive. This approach also allows buildings to be situated closer to the street,

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42 Testimony of Sally Oldham, President, Oldham Historic Properties, Inc., presented to the ACIR November 10, 1997.

43 Testimony of Sally Thomas, Member, Albemarle County Board of Supervisors, presented to the ACIR November 11, 1996.

44 Edward T. McMahon, "Quarter Pounders With History: Fast Food Outlets Get a Facelift," *Planners' Casebook* (American Institute of Certified Planners), Summer 1996, p. 1. See also Edward T. McMahon, "Have It Your Way: Fast-Food Restaurant Design," *Planning Commissioners Journal*, no. 20, Fall 1995, p. 12.

where they can define the community's public space in a more pleasing manner. Sycamore Square shopping center in Chesterfield County is one of several examples of shopping areas built according to these principles, and it represents both a visual and a commercial success.[45]

Even the dimensions of the street itself add important elements to the area's appearance. For example, streets that are extremely wide sharply divide a space, effectively cutting it in two. Wide streets also encourage faster traffic, making street crossings more dangerous for pedestrians, especially for children and the elderly. Narrower streets, on the other hand, tend to calm traffic and to unify the appearance of the streetscape, contributing to its sense of order.

Appreciating the advantages of such human-scale design principles, several communities in Virginia have begun to incorporate them into their streetscape plans. A new development in Chesterfield County, the Village Green in the community of Chester, is one example.[46] The proposed East Ocean View development in Norfolk is also being planned according to these concepts.[47] Haymount, a planned community to be built on the Rappahannock River in Caroline County is another example.[48] Similarly, citizens living along the John Moseby Heritage Corridor in Fauquier and Loudoun Counties convinced VDOT officials to adopt a traffic calming plan based on these concepts, among others, as a less expensive and more scenic alternative to the state's originally proposed upgrades for rural Route 50.[49]

Street Trees—Removing visual clutter and guarding against other inappropriate elements are only two approaches to creating orderly looking streetscapes. Communities can also manage the visual message that streets convey by deliberately adding harmonious patterns with special appeal. There is evidence to suggest that one of the best ways to do so is to plant street trees, a community's "green infrastructure."

Trees offer many benefits. An obvious one is that they add natural beauty, which enhances quality of life.[50] But they also play an important role as an ordering device that helps to tie an area

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45 *Community Appearance and the Law*, p. 7.

46 Will Jones, "Village Green to bring small-town feel to Chester," *Richmond Times-Dispatch* (Richmond, Va.), September 14, 1997, p. L6.

47 "Delays building Shore Drive Bridge would risk plans for East Ocean View," *The Virginia–Pilot* (Norfolk, Va.), July 2, 1997.

48 "Haymount to Break Ground This Month," from the *Environmental Business News*, v. 5, no. 3, May–June 1996, available www.ebuild.com/Archives/Other _Copy/Haymount.html.

49 Testimony of Susan Van Wagoner, Member, Route 50 Corridor Coalition, presented to the ACIR November 10, 1997. See also *A Traffic Calming Plan for Virginia's Rural Route 50 Corridor* (Route 50 Corridor Coalition), 1996.

50 See discussion above concerning the relationship between access to natural beauty and quality of life. Note also that studies suggest trees may even play a role in ameliorating violent behavior. See summary of Frances Kuo and William Sullivan, "Do Trees Strengthen Urban Communities, Reduce Domestic Violence?" available www.lpb.org/programs/forest/chicago.html.

together visually. In addition, trees pay for themselves by absorbing noise and air pollution, providing shade, creating habitat for wildlife, reducing utility costs, and increasing property values. Unlike other types of infrastructure whose value declines with age, the older the trees, the more benefits they provide.[51]

Many localities already have innovative programs in place for planting and protecting trees. Charlottesville, for example, requires builders to replace trees lost due to new development and has established a voluntary "Dollars for Trees" program that gives citizens the option of adding a donation to their utility bills toward the purchase of additional trees.[52] Fairfax County formed the Tree Preservation Task Force, which has worked with neighboring communities and a nonprofit organization, Fairfax Releaf, Inc., to measure the tree cover in the area and to analyze the benefits of its urban trees.[53] In addition, Bristol, Norfolk, and several other cities in the state have repeatedly won recognition from the National Arbor Day Foundation under its Tree City U.S.A. program for their community forestry programs.[54]

Street Furniture, Sidewalk Patterns, and Other Visual Amenities—Just as rows of living street trees can organize the appearance of a community, coordinating inanimate focal points can create a similar pleasing effect. Street furniture and other highlights such as benches, light poles, planters, signage, trash receptacles, banners, and colors need not be merely functional; they can also play a role as visual amenities that blend together to create a positive image and character. In addition, even more permanent elements of a community's infrastructure, such as sidewalks, railings, and walls, create patterns that can make a difference in the way a community greets the eye. Since every aspect of the street's physical environment contributes to its visual landscape, the careful selection and arrangement of these elements offers a significant opportunity for a community's streets to project the image that suits the community best.

Many Virginia localities have already gone to great lengths to assess their communities' appearance and to choose visual amenities that reinforce the image they want their streetscapes to project. In the process, some have found that the cheapest items in the catalog may not be right for them. Others have discovered creative ways to make the changes they want that translate into significant savings. In Staunton, for example, preparations for the City's 250th birthday in 1997 drew attention to the opportunity to create a distinctive look. What began as discussions about proposed minor changes evolved into an exhaustive study of many possible design alternatives, which in the end resulted in detailed plans for a comprehensive make-over of the downtown.

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51 "Trees Make Sense," Technical Bulletin (Scenic America). See also"Benefits of Urban Trees," available www.1pb.org/programs/forest/benefits.html.

52 Testimony of Katherine Slaughter, Mayor, City of Charlottesville, presented to the ACIR October 21, 1996.

53 See *Chesapeake Bay Communities: Making the Connection* (U. S. Environmental Protection Agency), 1995, p. 104.

54 Information about Bristol's Tree City U. S. A. designation is available at www.clean.memphis.edu/bristol.htm; information about Norfolk's designation is available at www.norfolk.va.us/press/treecity.html.

Although a special design committee coordinated initial efforts, in the end a broad cross-section of the community was involved, from city council to private donors.[55]

Maintenance and the Elimination of Blight—How well an area is maintained also makes an important visual statement about a community. Maintenance affects perceptions about how orderly a street is and how safe an area might be since it serves as a cue as to how much people in the area respect themselves and one another. Streets that collect litter, debris, graffiti, weeds, or other signs of neglect suggest community indifference. As a result, people avoid them, and property values and sales revenues suffer. Proper upkeep, on the other hand, communicates that the people in the area care about their community and will work together to solve any problems that might arise.

The ACIR learned that, in an era of tight budgets, some localities have been able to enlist the help of private organizations in maintaining streets and neighborhoods. The City of Richmond, for example, has entered into agreements with neighborhood groups such as the North Central Civic Association, which now mows the grass, picks up litter, and makes other improvements to its neighborhood park.[56] Another option available to Virginia localities to ensure that an area is properly maintained is to create a business improvement district for a particular area, which can then receive additional or more complete services than are required in the locality as a whole. Funds to support the increased level of services come from a separate assessment on real estate within the district.[57] The City of Winchester was one of the pioneering localities in using this technique to maintain and improved its Old Town Mall.[58]

Dilapidated buildings and similar blighted properties also add a jarring, discordant element to a streetscape and can make an area unattractive. Even if the neighborhood is free of crime and the decaying structures do not cause other problems, their unsightly appearance conveys an impression of disorder and unwholesomeness that can erode public confidence in the area's security and long-term stability. As a result, such visual pollution can increase the fear of crime and reduce property values.[59]

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55 "Streetscape Plan in Staunton," p. 7.

56 Dorine Bethea, "Community projects bring city, residents together," *Richmond Times-Dispatch* (Richmond, Va.), June 16, 1997, p. B3.

57 See Virginia Code §§ 15.2–2400—15.2–2403 (authorizing service districts with taxing powers expressly for street cleaning, beautification, and landscaping, among other purposes).

58 ACIR staff learned this information in conversation with Ed Daley, City Manager, City of Winchester, May 21, 1998.

59 The relationship between the incidence of crime and the physical environment is also the basis of a crime prevention program called Crime Prevention Through Environmental Design (CPTED). Its primary focus, however, is to reduce crime through careful attention to design features of new construction. Specifically, CPTED principles require that development and redevelopment plans take into account features of the built environment that could promote criminal activity, such as building orientation, building entrances and exits, the location of parking lots, landscaping, lighting, and fences. According to officials from Henrico County, a leading locality in applying CPTED principles, CPTED does not require any sacrifice in visual quality. See "Can Safe Design Be Good

Several localities have launched campaigns to address some of these problems. Lynchburg, Roanoke, and Virginia Beach, among others, conduct rental inspection programs in which building officials systematically examine rental properties in specified districts as they become vacant or are offered for sale and then notify landlords of deficiencies to be corrected. The costs of these inspections are charged to the owners, and noncompliant owners face fines. The goal is to refurbish rental properties in older and inner city areas so that they become indistinguishable from other buildings. Not only do these programs ensure that the buildings themselves are safer and more habitable, they also improve the neighborhood's appearance and restore a sense of order to its streetscapes.[60]

Other localities have taken different approaches to blight control. Fairfax County, for example, requires owners of deteriorating property to make repairs or risk either a lien on their property for repair costs or seizure by eminent domain.[61] That County, like the Cities of Richmond and Lynchburg, also offers tax credits to owners who repair run-down homes or businesses.[62] In addition, Richmond's Operation Squalor program focuses on aggressive prosecution of slumlords based on tenants' complaints about specific nuisances.[63] The City of Fairfax enlists the help of retirees to patrol neighborhoods looking for neglected properties that may require city action.[64]

Streetscapes That Respect History. History can play a role almost as important as order in making a community attractive. In this respect, Virginia's communities have few rivals. In the year 2007, for example, Jamestown will celebrate its 400th anniversary. As the home of pioneers, founding fathers, presidents, and heros, Virginia has a strong connection to its past. More than 1,800 historic districts, buildings, sites, and objects are now listed on the Virginia Landmarks Register.[65] This rich legacy offers many communities in our Commonwealth an enviable opportunity to establish an identity based on their history and a distinctive visual environment. Many, of course, have already done so. Monticello in Albemarle County is a federally designated

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Design?" *VAPA Newsbrief* (Virginia Chapter of the American Planning Association), v. 18, no. 2, May–June 1997, p. 1.

60 See "Roanoke Set to Embark on Rental Inspection Program," *Virginia Town and City* (Virginia Municipal League), v. 31, no. 4, April 1996, pp. 16-17. See also § 36–49.1:1 (spot blight abatement authorization and procedures).

61 Eric Lipton, "Aging Fairfax frets about its looks," *Washington Post* (Washington, D.C.), November 25, 1996, p. B1. (Hereafter, "Aging Fairfax.")

62 "Aging Fairfax," p. B1.

63 Dorothy Rowley, "'Operation Squalor' puts city's slumlords in the hot seat," *The Richmond Voice* (Richmond, Va.), April 2–8, 1997, p. 1.

64 "Fairfax City eyes retiree blight patrol," *Fairfax Journal* (Fairfax, Va.), October 17, 1997, p. 1.

65 H. Alexander Wise, "Using Virginia's Historic Resources as Assets for Communities," *The Virginia News Letter* (Weldon Cooper Center for Public Service), v. 73, no. 6, September 1997, p. 4. (Hereafter, "Historic Resources as Assets.") The Virginia Landmarks Register has been in existence since 1966 and is administered by the Virginia Department of Historic Resources. "Historic Resources as Assets," p. 4.

World Heritage Site.[66] Williamsburg, Alexandria, Leesburg, Lexington, Abingdon, and others are also nationally recognized as prime tourist destinations. Localities that have not yet inventoried their historic resources and evaluated the aesthetic and economic development opportunities that historic preservation can provide may be overlooking an extraordinary asset.[67]

Historic Districts—To preserve their history and to utilize it as a source of economic sustenance, eligible communities often create one or more historic districts and establish specific design standards and a process of architectural review to protect the historic character of properties within their districts. Building heights, colors, materials, and structural details are some of the features that may be regulated to ensure that new construction, demolitions, and alterations of existing structures are compatible with the area's historic design quality and distinctive character.[68] Localities may also create additional overlay districts along entrance corridors that lead to the historic districts to protect the authenticity and visual quality of these historic entryways.[69] Many jurisdictions have also found it beneficial to publish a manual of design standards with clear graphics and specific data to guide owners of property and prospective businesses within the district. The Town of Leesburg is one of numerous localities that have produced such guidelines. Further, Clarke County has developed a video to clarify design standards in its historic access overlay district for prospective new businesses.

Although landowners within a new historic district may object to design restrictions initially, evidence indicates that they stand to gain from them financially. They may be eligible for tax credits from both the state and federal governments to help them keep their historic properties in good condition.[70] In addition, the value of property within the district is likely to appreciate more significantly than property in other areas of the community. A study of real estate values in Fredericksburg, for example, disclosed that between 1971 and 1990 the value of residential

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66 *Virginia Preservation Update* (Preservation Alliance of Virginia), September–October 1997, p. 3.

67 The Virginia Department of Historic Resources helps communities evaluate their historic resources through its Cost Share Program, providing development planning, tax credits, and other assistance. See "Historic Resources as Assets," p. 6.

68 See Virginia Code § 15.2–2306 (authorizing the preservation of historical sites, architectural areas, and review boards).

69 See Virginia Code § 15.2-2306. Under general law localities have not been granted power to enforce design standards for areas outside these historic, architectural, or cultural districts or their gateway corridors. However, some communities, such as Herndon, Roanoke, and Vienna, have acquired greater design review authority by special act.

70 Virginia Code § 58.1–339.2; Public Law No. 99–514 (1986). Both Virginia's State Tax Credit for Historic Rehabilitation and the Federal Investment Tax Credit for Certified Historic Rehabilitation are administered by the Virginia Department of Historic Resources. The state program offers more advantages, however, because its investment threshold is lower, the application process is less complex, and certain owner-occupied residences are eligible. Note that landowners who convey easements in their historic property for preservation purposes may be eligible for a grant to defray some of the costs of the conveyance under the state's new Preservation Easement Fund. See Virginia Code § 10.1–2202.2.

properties in the historic district rose 1.5 to 5 times faster than properties elsewhere in the City.[71] By 1990, the average residential property value in that City's historic district was approximately $138,500 compared to $87,000 in other areas.[72] Similarly, impressive results have been documented in historic districts in Richmond and in Staunton.[73]

In addition to property owners, the community as a whole benefits from improving its visual quality through historic preservation. Among its other advantages, a preservation effort can help revitalize commercial areas, attract new businesses, and increase tourism.[74] In fact, a 1996 study of the economic benefits of historic preservation in Virginia disclosed that tourists visiting historic sites in Virginia stay longer, visit twice the number of places, and spend an average of more than two-and-a-half times as much money as tourists with other interests.[75] Even being featured in a movie is a possibility for communities with historic features. Between 1980 and 1990, Virginia collected more than $60 million in revenue from movie-making based on the

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[71] *The Economic Benefits of Preserving Community Character: A Case Study from Fredericksburg, Virginia* (National Trust for Historic Preservation), 1990, pp. 1–4. ("To summarize, it appears that the attractive ambience of the downtown created by preserving and emphasizing [Fredericksburg's] historic character has resulted in significant economic and fiscal benefits for the City and other area jurisdictions and their residents.") (Hereafter, *Economic Benefits: Fredericksburg.*)

[72] *Economic Benefits: Fredericksburg*, p. 3.

[73] Between 1980 and 1990, the assessment total for real estate in the Shockoe Slip historic district rose 245% compared to an 8.9% increase in the aggregate value of other property citywide. *The Importance of Historic Preservation in Downtown Richmond: Shockoe Slip Area, A Case Study* (monograph) (Historic Richmond Foundation), 1991, cited in *Virginia's Economy and Historic Preservation: The Impact of Preservation on Jobs, Business, and Community* (Preservation Alliance of Virginia), 1996, p. 9. (Hereafter, *Virginia's Economy and Historic Preservation.*) Between 1987 and 1995, residential properties in Staunton's five historic districts appreciated at rates ranging from 51.9% to 66.0% compared with an increase of 51.1% for other properties in the City. Commercial properties within the historic districts increased in value at rates of between 27.7% to 256.4%, while properties outside of historic districts appreciated on average 25.2 for the period. *The Economic Benefits of Historic Preservation in Staunton*, Historic Staunton Foundation, 1995, cited in *Virginia's Economy and Historic Preservation*, p. 9.

[74] See discussion of historic downtowns below. Corporate executives from Kloeckner Pentaplast, White Oak Semiconductor, AXA Insurance, Hauni Richmond, Pari Respiratory Equipment, and Tarmac all confirmed that history was one of the major selling points that convinced them to relocate their businesses in Virginia. "Historic Resources as Assets,", p. 2. Note that IBM executives ranked the visual quality of Prince William County as their third highest priority concern in their deliberations about relocating. They rated the corporation's potential tax burden as eighth. Testimony of John Foote, Attorney, Hazel and Thomas, presented to the ACIR June 30, 1997.

[75] *Virginia's Economy and Historic Preservation*, p. 8. Note that Virginia's experience is not unique. Studies in Kentucky, Indiana, New Jersey, and North Carolina disclose similar economic gains attributable to historic preservation efforts. See Donovan D. Rypkema, "Economic Benefits of Historic Preservation," *Forum News*, v. 4, no. 5 (National Trust for Historic Preservation), May–June 1998, pp. 1–2, 6.

historic architecture and landscapes of its communities.[76] In addition, the community may be eligible for a grant from the Department of Historic Resources (DHR) under its Certified Local Government Program, which may be used for a variety of surveying, planning, and public education activities.[77]

Revitalized Downtowns—Testimony to the ACIR also indicated that historic preservation has been a powerful force in downtown revitalization for numerous Virginia communities. The main engine driving this remarkable effort is the Virginia Main Street program, developed by the National Trust for Historic Preservation's National Main Street Center and administered in the Commonwealth by the Virginia Department of Housing and Community Development. Its aim is to help communities and neighborhoods with populations of less than 50,000 stimulate their economies by upgrading historic business districts. Designated localities do not receive funding, but they do get technical assistance and training in design principles, community organizing, economic development, marketing, and other areas to help them develop strategies for revitalization. In exchange they agree to follow a prescribed Main Street approach that has been implemented in 1,300 communities nationwide.[78]

In recognition of the close link between improved visual quality and greater economic development potential, one of the required four cornerstones of this Main Street approach is quality design.[79] Since the program's inception in the state in 1985, 23 Virginia communities have participated and, among their other accomplishments, have improved their appearance.[80] In addition, the record of their economic performance proves the success of this revitalization strategy: a net gain of 1,350 businesses, 2,985 jobs, 2,058 building improvement projects, and $78.3 million in private sector investment.[81] Many of these restored communities also experienced increased tax bases and greater revenues from tourism as a result of their participation in the Main Street program.[82]

Streetscapes with Natural Beauty. In addition to visual order and respect for history, a third important gauge of a community's aesthetic appeal is natural beauty. Because of the benefits

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76 Hugh C. Miller, "Partnership for Preservation," *The University of Virginia News Letter*, v. 67, no. 1 (Center for Public Service), September 1990, p. 3.

77 "Historic Resources as Assets," p. 7.

78 *Virginia Main Street: Facts and Figures* (monograph) (Virginia Department of Housing and Community Development), October 1997. (Hereafter, *Facts and Figures*.)

79 The other three are community organization, promotion, and economic restructuring. See *Getting Started in Main Street Revitalization* (monograph) (National Trust for Historic Preservation), p. M6.

80 Testimony of Lewellen Brumgard, Program Manager, Virginia Main Street Program, Department of Housing and Community Development, presented to the ACIR October 20, 1997.

81 *Facts and Figures.*

82 Testimony of Lewellen Brumgard, Program Manager, Virginia Main Street Program, Department of Housing and Community Development, presented to the ACIR October 20, 1997.

individuals derive from viewing natural scenes and because of the importance they place on having access to such areas, adding natural focal points such as trees, landscaping, moving water, flower boxes, climbing plants, and planters along a street can enhance a community's appeal.[83] Just as the word "attractive" suggests, all other things being equal, living decorative elements are also likely to increase people's desire to spend time in an area. Thus, the steps that communities take to fulfill the human need for natural beauty can help promote pedestrian traffic, tourism, longer stays for visitors, and other activities that contribute to increased economic growth and development.

An obvious means of adding natural beauty to community landscapes is to plant gardens. One low-maintenance option is to provide the space for community gardens where residents can tend small plots themselves. Such gardens offer a bounty of aesthetic, social, recreational, and educational opportunities to interested members of the community. When they are used for growing vegetables, gardens can help families save money on weekly grocery bills. Children especially can benefit from the exposure to nature often missing from other parts of their lives.[84]

Rivers, Mountains, Parks, and Other Natural Features—Communities with prominent natural features such as mountains, rivers, and other bodies of water often are able to capitalize on their natural beauty. Riverfront development projects in Richmond and Lynchburg are two examples of current efforts to take greater advantage of the James River's scenic beauty in these two cities. However, some communities have yet to discover the best approach to develop the potential of their striking scenic resources.

The job of preserving and developing this potential often requires finding ways to protect views from obstructions such as telecommunications towers, tall buildings, and large signs. In addition, certain natural features may require other safeguards such as restricting development along mountain ridges. In such cases, the best solution may be to restrict development to areas below the tree line. One locality that has taken this approach is Albemarle County, which has developed a plan to protect its mountain resources through a mountain overlay district with specific regulations.[85]

Once inappropriate development has occurred and scenic resources are lost, mountains and other natural resources are likely to confront a slow and expensive recovery process, if remediation is possible at all. However, innovative officials in the City of Waynesboro recently found a practical and economical answer for a hundred-and-fifty-year-old aesthetic problem on the western slope of the Blue Ridge Mountains. Where aggressive quarrying in the mid-1800s had gouged an unsightly scar in the rock face, public works officials have been steadily restoring the mountain's appearance since the mid-1980s by filling the site with 3000-pound bricks of compressed refuse.

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83 See discussion of quality of life above.

84 Testimony of Diane Relf, Professor and Extension Specialist, Department of Horticulture, Virginia Polytechnic and State University, presented to the ACIR May 5, 1997.

85 Testimony of Sally Thomas, Member, Albemarle County Board of Supervisors, presented to the ACIR November 11, 1996. See also *Proposed Mountain Protection Plan: Final Report* (County of Albemarle Mountain Protection Committee), August 1, 1996.

They expect to erase the defect completely within two to seven years, and, in doing so, will have saved taxpayers hundreds thousands of dollars in landfill costs.[86]

Some localities are also concerned about preserving the beauty of the nighttime sky. Both Albemarle and Hanover Counties have adopted dark sky ordinances to protect the night sky from light pollution, the excess light from street lamps, homes and commercial establishments that disturbs the view of the night sky for many residents as well as for professional astronomers and amateur star-gazers.[87] To avoid this problem, these communities require shields for new lighting to direct the beam down to the ground instead of into the sky. Other measures communities throughout the country are adopting to address this concern include prohibiting certain outdoor lighting, bulbs above a specified wattage, and nonessential lights after business hours. Evidence indicates that most such steps are relatively inexpensive, convenient, and may even produce savings from lower utility bills.[88]

Open Space—Many rapidly growing communities abundant in natural beauty are experiencing new development at such a brisk pace that the need to preserve open space and to prevent the loss of rural or small town character has become a major concern. "Open space" is conventionally defined to include all undeveloped natural areas such as parks, farms, riverfront buffers, or forests. Such space offers a wide range of benefits from greater aesthetic and recreational opportunities to increased property values for adjacent land and tax benefits for localities.[89] Motivated by their appreciation for the value of such unspoiled areas, many localities have initiated programs to manage growth, to protect open space, or to do both. They have found a variety of tools helpful in this process.

There is evidence to suggest that one of the best methods for preserving open space is to develop an open space component as part of the locality's comprehensive plan, thereby establishing a framework for subsequent decision-making.[90] With this framework, a locality can evaluate available open space and other natural resources, assess community needs, establish property acquisition goals, and develop appropriate zoning regulations to protect specific resources.[91]

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86 Wes Allison, "Mountain comeback," *Richmond Times-Dispatch* (Richmond, Va.), April 22, 1998, p. B4.

87 Testimony of Sally Thomas, Member, Albemarle County Board of Supervisors, and Catherine Patterson, Chair, Hanover Citizens for Quality of Life, presented to the ACIR November 11, 1996.

88 Robert Preer, "Dark Sky Movement Cuts Light Pollution From Cities That Never Sleep," *Nation's Cities Weekly*, September 29, 1997, p. 11.

89 See Elizabeth Brabec, "On the Value of Open Spaces" (monograph) (Scenic America), v. 1, no. 2, 1992.

90 See *Virginia Outdoors Plan 1996* (Virginia Department of Conservation and Recreation), p. 346. (Hereafter, *Virginia Outdoors Plan.*)

91 See *Virginia Outdoors Plan* , p. 347-352. See also Virginia Code § 15.2–2280 (authority to use zoning to protect open space).

One option for implementing open space plans is the outright purchase of property. Fee simple acquisition gives communities considerable flexibility because, as owners, they determine how the entire property may be used.[92] Outright acquisition was the approach that Chesterfield County took recently to protect an 847-acre wildlife refuge and park on the James River, the Dutch Gap Conservation Area, the first county-owned and operated wildlife protection area in Virginia.[93] Similarly, Fredericksburg acquired 5,000 acres of land on both sides of the Rappahannock River adjacent to the municipality to protect the river's water quality and the City's drinking water supply.[94]

A variation of this approach is the acquisition of easements on protected property, which give a locality an interest in the land but not full ownership. Virginia Beach has recently undertaken an innovative program using this technique to protect farmlands in that City. Under its Agricultural Reserve Program, which is unique in Virginia, the City purchases the development rights to farmers' lands at fair market value and then establishes conservation easements on the property to bar future development in perpetuity.[95] Funds for the purchase of these rights are provided by a dedicated property tax and portions of a cellular telephone tax. Farmers benefit from this voluntary program because they pay lower property taxes on land subject to a conservation easement, yet they retain the right to farm there. Farmers also receive annual interest payments for twenty-five years, after which time they are entitled to a lump sum payment for the value of the easement. Virginia Beach also benefits financially from the Agricultural Reserve Program, since it requires only 30 cents in services for every dollar paid in property taxes on farmland as opposed to the $1.30 in services for every dollar of property taxes required for a typical home.[96] As a result, the more farmland the City protects, the greater savings it realizes. Localities can also protect their

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92 See Virginia Code §§ 10.1–1700—10–1705 (authority to acquire interests in open space by means other than eminent domain).

93 See Will Jones, "Protecting nature in a park," *Richmond Times-Dispatch* (Richmond, Va.), December 29, 1996, p. B1.

94 Lawrence Latane III, "Refuge is delayed," *Richmond Times-Dispatch* (Richmond, Va.), August 18, 1996, p. B1. (Hereafter, "Refuge is delayed.")

95 Conservation easements are voluntary agreements in which the owner of the property transfers certain rights in the land to a grantee on the condition that the grantee not exercise them. The landowner and grantee work collaboratively to identify appropriate uses for the land and to specify those that will be prohibited. Under the agreement the prohibited uses are permanently barred. The land subject to a conservation easement is still privately owned and managed, and all rights except those that are transferred may be exercised by the current owner.

96 Testimony of Mary Heinricht, Environmental Consultant, presented to the ACIR May 5, 1997. Note that studies conducted by other localities of the fiscal impacts of major land uses disclosed similar results. Culpeper County, for example, found that each dollar of revenue from residential land was offset by county expenditures of $1.25 in services, whereas farmlands, forests, and open space required only 19 cents in services per dollar of taxes. See Tamara A. Vance and Arthur B. Larson, *Fiscal Impact of Major Land Uses in Culpeper County, Virginia* (Piedmont Environmental Council), 1988. See also study of Loudoun County's economy, *Density-Related Public Costs* (American Farmland Trust), 1986.

open space by acquiring easements rather than purchasing development rights. The Counties of Albemarle, Loudoun and Fauquier are among the numerous localities that have done so.[97]

A third major approach localities have used is to preserve open space through the use of tax incentives for landowners.[98] Some localities, for example, have established special agricultural and forestal taxing districts at the request of property owners. Landowners within such districts benefit from use value taxation and freedom from special assessments for nonfarm development, usually for a period of 4 to 10 years.[99] Twenty-four counties and one city currently have agricultural and forestal districts, the largest of which protects over 86,000 acres.[100]

Similarly, localities that have approved an open space planning component may also adopt a program of special assessments for agriculture, horticulture, forest and open space lands. This technique, which allows a locality to tax such property based on its actual use rather than its development potential, facilitates open space preservation.[101] Approximately 65 localities currently provide this tax incentive.[102]

In sum, numerous localities in urbanizing areas are using growth management techniques to protect their visual quality by preserving open space. Although state enabling legislation may not give localities a wide assortment of tools to use to control growth, some localities have used traditional planning methods effectively to avoid the many aesthetic, economic, and quality-of-life problems associated with rampant unplanned growth.

The Town of Berryville and Clarke County, for example, collaborated in developing a comprehensive growth policy that gives both jurisdictions a framework for future growth within and surrounding the Town. This joint effort resulted in the Berryville Area Plan that includes three distinct sections with approved land uses and zoning districts designated for each. As part of the plan, the growth area is situated near existing infrastructure while agricultural areas, which are

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97 *Virginia Outdoors Plan*, p. 352.

98 Note that individuals who convey conservation easements may also be eligible for other financial benefits besides the incentives created by localities, including a federal tax incentive under the American Farm and Ranch Protection Act, Internal Revenue Code § 2031 (c) (1997) and small state grants from the Open Space Land Preservation Trust Fund, Virginia Code §§ 10.1-1801.1, 1801.2 for assistance with costs associated with the transfer, such as legal fees, closing costs, and appraisal fees.

99 See Virginia Code §§ 15.2-4300—15.1-4314.

100 "Joint Subcommittee Studying Agricultural and Forestal Districts," Virginia Register of Regulations, August 1997, pp. 3688-3690.

101 See Virginia Code §§ 58.1-3230—58.1-3244.

102 *Virginia Outdoors Plan*, p. 351.

declared the County's future, are protected.[103] Another approach to effective growth management is Amelia County's updated comprehensive plan, which includes provisions for cluster development to encourage subdivisions that preserve the County's rural character and scenic resources and reduce the cost of new infrastructure.[104] Other localities, such as the Town of Blacksburg, Loudoun County, and the City of Chesapeake, are also making growth management a priority to prevent exurban development that can destroy rural landscapes and community centers alike. These processes are designed to serve the goals of saving tax dollars, improving quality of life, and preserving natural beauty.[105]

Streetscapes with Artistic Flair. A community's natural beauty can elevate the human spirit, but other elements may be added to streetscapes to engage individuals in much the same way. These extra touches might include splashes of color to surprise and delight a pedestrian rounding a corner, a dramatic kinetic sculpture, an elegant fountain, a mural that celebrates an important aspect of the area's past, or some other form of artistic expression. Such accents add visual interest and vitality to our environment to help us transcend the mundane in our lives. Some elements can even stir deep emotions. At the same time these manmade contributions to streetscapes provide one more way for a community to distinguish itself from the others and to provide a sense of place.

Many communities understand the value of such amenities but, for various reasons, assign them a low priority in their budgets. The assumption may be that any such additions would be prohibitively expensive. Yet this is not necessarily the case. Innovative communities throughout the country and in Virginia have shown how much can be done despite budgets cuts, conflicting values, competing demands, and the many other presumed impediments to such enhancements of public space. Often, more than money, the critical factors are vision and leadership.

Public Art—Public art, architecture, and urban design all help define the public space within a locality. They serve best when they also connect the viewer to the community. In this respect, some Virginia communities have a long and proud tradition. Richmond's famous statues along Monument Avenue, for example, remind observers of that City's pivotal role in the Civil War and reinforce its image as a community with a rich history.

But one of the virtues of art is that it need not be bound by tradition or many other constraints. As a result, art in any number of guises can contribute to the distinctiveness of a community, enhance its quality of life, and promote a sense of place. Winchester officials demonstrated this fact when they invited school children to decorate a nondescript public garage wall, giving life to a walkway that leads to the City's historic downtown.[106] Similarly, officials of the Metro subway system in the Rosslyn community in Arlington County plan to enhance the

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103 "Growth Management Innovations in Virginia Localities: A Survey and Five Cases," *Planning in Virginia* (Virginia Chapter, American Planning Association), 1997, p. 22. (Hereafter, "Growth Management Innovations.")

104 "Growth Management Innovations," p. 23.

105 "Growth Management Innovations," pp. 20–26.

106 Public art programs like this can be life-changing for some children. See "Arts, Humanities Programs Turn Around Lives of At-Risk Youth, President's Committee Finds," *Nation's Cities Weekly*, May 6, 1996, p. 5.

quality of commuters' experiences by commissioning a huge mural depicting aspects of life in Rosslyn in order to enliven an otherwise unembellished subway station.[107]

Many localities, such as the Cities of Charlottesville and Richmond, have committed to a percent-for-art program in which a percentage of the funds committed to new capital building projects are reserved for civic art projects. These programs can be valuable but may not provide enough funding for a broad range of projects. One funding option available to localities is to seek a supplemental local government challenge grant up to $5,000 from the Virginia Commission for the Arts. Localities can also include artists at an early stage in the planning of various community infrastructure projects. Where localities in other parts of the country have done so, some have had stunning results.[108]

Civic Spaces—Public buildings offer one of the best opportunities for a community to express a sense of itself. Many individuals require something other than planned obsolescence, prefabricated materials, uninspired designs, and monotonous surroundings to elevate and give vitality to their experiences. Well designed public facilities can meet this need and at the same time increase civic pride and a community's overall appeal. Leesburg's award-winning municipal center is one example of such a success.[109] Herndon's multi-purpose municipal center and Town green have also won accolades for their design and at the same time helped spur economic development in its central business district.[110] A third example is Reston's massive Town Center enclosing a one-acre central plaza.[111]

Links Between Communities, People, and Nature: Greenways. Many professionals and civic leaders have not been satisfied just to improve the look of their neighborhoods and downtowns. They have also begun to enhance visual quality to the edge of town and beyond, creating systems of enticing escape routes from urbanization called greenways. These long vegetated parks feature pathways and trails that link communities, recreational areas, cultural attractions, and nature. Most greenways follow natural geographic features like mountain ridges and rivers or are built along utility rights-of-way, old rail corridors, canals, or other abandoned transportation routes. Greenways provide an alternative to roadways for hikers, joggers, bicyclists, and others who prefer to use nonmotorized forms of transportation to get to and from local points of interest.

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107 Alice Reid, "Art for the sake of serene commuting," *Washington Post* (Washington, D.C.), January 15, 1998, p. J1.

108 See, for example, Nancy Rutledge Connery, "The Added Value of Art," *Governing*, April 1996, pp. 51–57 for discussions of artistic approaches to infrastructure design that met with success in Grand Rapids, Michigan, and in Phoenix, Arizona.

109 Testimony of Joe Trocino, Member, Leesburg Town Council, presented to the ACIR October 21, 1996.

110 "Attractive, Functional Buildings Underscore Herndon's Downtown Revitalization," *Virginia Town and City*, v. 31, no. 8, August 1996, p. 15.

111 Charles Lockwood, "Putting the Urb in the Suburbs," *Planning*, June 1997, p. 18.

Greenways also offer a respite from urban life. They buffer more intensive land uses with long stretches of green canopy that protect wildlife habitat and wetlands and also yield countless other aesthetic, educational, recreational, and environmental benefits. In the brief ten-year lifespan of the greenway movement, greenways across the country have already shown they can attract tourists, provide new business opportunities, affect corporate locational decisions, and increase the value of neighboring properties.[112]

Numerous greenway projects have been undertaken around Virginia. In the Roanoke Valley, for example, local officials dedicated the Garst Mill Greenway in August 1997 as the first of a series of planned greenways for that area.[113] In Northern Virginia, the 45-mile Washington & Old Dominion Railroad Regional Park connecting Arlington County to the Town of Purcellville in Loudoun County is another example.[114] In Southwest Virginia, the 34-mile Virginia Creeper National Recreation Trail crosses from the Town of Abingdon into North Carolina.[115] On an even larger scale, the first phase of an urban alternative to the Appalachian Trail called the East Coast Greenway is also under way and is intended to connect existing and planned trails from Maine to Washington D.C. Ultimately, planners expect the East Coast Greenway to stretch from Maine to Florida.[116]

IMPORTANCE TO THE STATE AS A WHOLE: BUILDING GREATER COMMON WEALTH

Although localities have been granted numerous implements to preserve and enhance the visual quality of their communities, the state also has an important role to play in this process.[117] The same principles that local officials have applied successfully to improve the appearance and

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112 For example, property near Seattle's Burke-Gilman Trail increased in value by 6%, according to a study conducted by realtors. Noel Grove, "Greenways: Those Long, Skinny, Green Parks," *Land and People*, Fall 1994 available www.tpl.org/tpl/.

113 Elizabeth H. Belcher, "The Greening of Roanoke," *Virginia Review*, v. 76, no. 1, January–February 1998, p. 27.

114 *Virginia Outdoors Plan*, p. 92.

115 *Virginia Outdoors Plan*, p. 92.

116 Further information is available at www.greenway.org.

117 Official pronouncements of state policy repeatedly acknowledge this obligation. See, for example, Virginia Constitution, Article XI Section 1("[I]t shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources, its public lands, and its historical sites and buildings. Further, it shall be the Commonwealth's policy to protect its atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth.");Virginia Code § 10.1–1182 establishing the Department of Environmental Quality (environment defined as "the natural, scenic and historic attributes of the Commonwealth"); Virginia Code § 10.1–108 establishing the Department of Conservation and Recreation (environment defined as "the natural, scenic, scientific and historic attributes of the Commonwealth"); *Virginia Outdoors Plan*, p. 7 (finding that "[a]n issue which continues to grow in importance is the protection and enhancement of Virginia's visual resources and cultural landscapes").

vitality of their communities—order, history, natural beauty, and art—can guide state agencies in their efforts to help communities meet their visual quality goals. Equally important, the application of these principles to unrelated state programs will ensure that the state and its localities do not work at cross purposes but that state programs complement local efforts to the extent possible. Numerous state-sponsored programs already complement local initiatives commendably, but the ACIR also heard testimony that opportunities exist for improvement.

State Tools and Programs

Landscapes That Protect Rural Character. The rapid transformation of rural land into suburbs and urbanized areas can result in the irreversible loss of unique natural, historic, cultural, and scenic resources, which collectively constitute the visual environment. Although land use planning and management are primarily local responsibilities, the state has a major role, both directly through its own action and indirectly through the statutory authority it provides its localities, in preserving the visual quality of its communities and its rural landscapes. The significance of these assets requires the state to recognize its responsibilities in this area of concern. The following sections of the report review current state initiatives responding to this responsibility.

Highway Location—State historic preservation and downtown revitalization programs help eligible urban areas upgrade the quality of their visual landscapes. However, fewer programs are available to assist rural jurisdictions. In addition, local officials and others indicated to the ACIR that some state programs may, unfortunately, frustrate efforts to preserve their distinctive attributes. The ACIR also heard testimony that highways pose the greatest obstacle to maintaining the character and appearance of rural landscapes, not only in Virginia but throughout the country.[118] By their nature roads can cut large swaths through farms, forests, mountains, historic areas, and other rural landscapes with scenic significance altering mile after mile of rural terrain. If highway policies focus single-mindedly on uniformity and cost-savings, but ignore aesthetics, they can do great harm to communities. Specifically, policies about the location of new highways, road improvements, signage, design features, capacity, and speed limits can all influence the character of rural areas. Since highways in Virginia are fundamentally the responsibility of the state, VDOT plays a major role in determining the extent to which Virginia's rural landscape and visual quality will be protected. Numerous VDOT proposals for new highways have faced strong citizen resistance because of their anticipated negative impact on the affected communities.[119]

Highway and Bridge Design—Closely related are citizens' and local officials' concerns about highway and bridge design. Bridges with railings that obscure scenic river views for passing motorists undermine rural character and visual quality. Similarly, highways built too large or too

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[118] See Alan Ehrenhalt. "The Asphalt Rebellion," *Governing*, October 1997, pp. 20–26. See also testimony of Chris Miller, Executive Director, Piedmont Environmental Council and Susan Van Wagoner, Member, Route 50 Coalition, presented to the ACIR November 11, 1996; testimony of Tim Lindstrom, Staff Attorney, Piedmont Environmental Council, presented to the ACIR June 30, 1997; testimony of Sally Thomas, Member, Albemarle County Board of Supervisors, presented to the ACIR November 11, 1996.

[119] See *Review of the Highway Location Process in Virginia* (Joint Legislative Audit and Review Commission), House Document 60/1998.

straight for their rural context diminish the visual appeal of the landscape and also encourage vehicular speed, which poses a threat to adjacent properties. In addition, sound barriers made of unattractive materials may unnecessarily diminish the visual setting. The complete sacrifice of such design concerns to narrow engineering principles is often unnecessary and detrimental to the visual quality of the area. Although safety should be among the highest priorities in road design, flexible design standards may be compatible with this goal and should be considered.[120] Local officials have expressed the view that their concern for the preservation of the distinguishing attributes of their communities merits greater attention by state transportation officials.[121]

Scenic Byways—A state highway initiative that can make a positive difference in the visual quality of the Commonwealth is the Scenic Byways program, established in 1966 and administered jointly by the Department of Conservation and Recreation (DCR) and VDOT.[122] Under this program localities may seek designation of existing roads in their areas as scenic byways. Typically, roads given this special designation are two-lane secondary roads with unspoiled vistas that may also be historically significant. Once designated, these roads are added to the state's system of scenic byways, and the affected localities may receive state technical assistance in managing and preserving their scenic resources. The ACIR heard testimony that currently more than 1,500 miles of designated scenic byways in 24 localities play a part in maintaining the special ambiance and visual character of Virginia's rural countryside.[123]

Scenic byways not only increase the visual appeal of the communities in which they are located, they may also make those communities more attractive to outside funding for related projects. The Town of Orange in Orange County, for example, won a $480,000 Intermodal Surface Transportation Efficiency Act (ISTEA) grant to renovate its historic train depot in part because both Routes 15 and 20 within its jurisdiction had been designated scenic byways.[124]

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120 See *Flexibility in Highway Design* (U. S. Department of Transportation Federal Highway Administration), 1997.

121 See, for example, testimony of Sally Thomas, Member, Albemarle County Board of Supervisors, presented to the ACIR November 11, 1996.

122 Virginia Code §§ 33.1–62—33.1–66 (Scenic Highways and Virginia Byways Act). A highway may be designated a scenic byway in Virginia if it is shown to be an "existing roa[d] with relatively significant aesthetic and cultural values, leading to or lying within an area of historical, natural or recreational significance." Designation as a scenic highway, on the other hand, is limited to new roads built within protected corridors.

123 Testimony of Ronald L. Hedlund, Planning and Recreation Resources Division Director, Department of Conservation and Recreation, presented to the ACIR November 10, 1997. Note that the federal government supervises another 600 miles of scenic roadways in Virginia including the Blue Ridge Parkway. *Virginia Outdoors Plan* , p. 11.

124 See "Economic and Community Benefits of Scenic Byways" (monograph) (Scenic America), v. 2, no. 1, 1995. Note that certain highways may also be designated as All-American Roads under the National Scenic Byways Program administered by the Federal Highway Administration. Since 1996, twenty highways have been granted this designation, including North Carolina's portion of the Blue Ridge Parkway. Recognition entitles such roadways to additional federal assistance. See Rex Bowman, "Virginia's overlooked byway," *Richmond Times-Dispatch* (Richmond, Va.), May 11, 1997, p. E1.

Sign Control—For the same reasons that sign control is important in urban areas, similar control of signage along scenic highways is essential to maintaining visually pleasing rural landscapes. In compliance with federal guidelines, Virginia regulates the construction of new billboards along federal aid highways.[125] However, localities participating in the Scenic Byways program have primary authority to control signage along state scenic byways under their jurisdiction.[126] Apart from the Scenic Byways program, communities that aspire to maintain the character of their rural areas have the authority to control the erection of billboards along all public thoroughfares.

Other Highway Programs—Many other VDOT programs contribute to efforts to preserve and enhance visual quality in communities and in rural areas. VDOT administers the ISTEA programs that have provided enhancement funds for efforts ranging from gateways and greenways to the preservation of historic transportation centers like the City of Danville's recently renovated train depot. In addition, VDOT's Color on the Highway program adds wildflowers along Virginia roadways; the agency participates in the America's Treeways program to plant new trees in public rights-of-way[127]; it is developing replacement wetlands to offset the harmful loss of such land through roadbuilding in specific parts of the state; and it is studying numerous other environmental and aesthetic consequences of Virginia's transportation system.[128] These efforts can complement local programs to preserve and enhance the visual quality of rural landscapes and protect the state's interest in its rich visual resources.

Landscapes with Scenic Beauty. Just as the preservation of open space and natural beauty within communities is central to local efforts to preserve and improve the visual environment of communities, so the protection of scenic landscapes is vital to the state's interest in preserving and

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125 See Virginia Code § 33.1-351. ("In order to promote the safety, convenience, and enjoyment of travel on and protection of the public investment in highways within this Commonwealth, to attract tourists and promote the prosperity, economic well-being, and general welfare of the Commonwealth, and to preserve and enhance the natural scenic beauty or aesthetic features of the highways and adjacent areas, the General Assembly declares it to be the policy of the Commonwealth that the erection and maintenance of outdoor advertising in areas adjacent to the rights-of-way of the highways within the Commonwealth shall be regulated in accordance with the terms of this article and regulations promulgated by the Commonwealth Transportation Board pursuant thereto.") Note that Alaska, Hawaii, Maine, and Vermont prohibit all billboards, and Rhode Island bans all new ones.

126 Testimony of Earl Robb, Environmental Quality Administrator, Virginia Department of Transportation; presented to the ACIR November 10, 1997. See also Virginia Code § 33.1-370 (authorization for removal of billboards along interstate and federal aid highways in compliance with local zoning ordinances and on payment of just compensation). Note that ISTEA provides some funds to assist localities in this effort. See Virginia Code § 33.1-369.

127 Note, however, that the 1998 Virginia General Assembly passed HB 1228 and SB 686, which were identical bills, authorizing the cutting of public trees in public highway rights-of-way if they obstruct the view of billboards from the highway. ("All cutting shall be limited to vegetation with trunk base diameters of less than six inches. Pruning cuts of vegetation with diameters greater than four inches and clear cutting shall not be authorized and shall be strictly prohibited.") Previous VDOT policy had limited such tree cutting to trees under two inches in diameter.

128 Testimony of Earl Robb, Environmental Quality Administrator, Virginia Department of Transportation, presented to the ACIR November 10, 1997.

increasing the beauty of the Commonwealth as a whole. Such scenic resources provide major benefits, not the least of which are economic, to the well-being of the Commonwealth. However, some of Virginia's important scenic attractions face threats that require state action.

Scenic Rivers—One group of such resources is the state's system of rivers. To protect the beauty of these assets the DCR administers the Scenic Rivers program, which recognizes especially attractive and valuable visual and historic river resources.[129] Once a segment of waterway is designated a scenic river, no dam or other structure may be built to impede its natural flow unless specifically authorized by the legislature.[130] Like scenic byways, scenic rivers are designated at the request of localities and remain largely under the protection and management of local governments, but they qualify for state assistance. Since 1975 when the program was initiated, 18 rivers or river segments have been designated scenic rivers, and at least 10 more may qualify for such recognition once the localities through which they flow seek scenic river designation.[131] Many of these waterways flow through undeveloped areas, but portions also contribute to urban landscapes, adding to the special character of those urban areas and increasing their overall visual appeal. They also contribute to a growing eco-tourism movement that is bringing travelers to Virginia to canoe, watch birds, and take advantage of the other aesthetic, recreational, and educational benefits that the rivers provide.[132]

However, evidence indicates that some of Virginia's fragile river ecosystems require special protection from dangers posed by rapid growth and development in their watersheds. Both the Potomac River and the Mattaponi River, for example, were named among the top twenty most endangered rivers in North America in 1998 by a watchdog group called American Rivers.[133] In addition to local efforts, the state has a responsibility to protect these and other waterways.

One way in which the state can fulfill its responsibility to protect these waterways is to acquire and manage riparian land and conservation easements to maintain buffers along rivers that filter harmful run-off and prevent both the further degradation of the Commonwealth's river system and the loss of its beauty. State public and private partnerships regarding such easements are well underway along many of Virginia's riverways. For example, the Virginia Outdoors Foundation administered by DCR and the DHR hold more than 5,000 acres of easements along the Rappahannock to protect that river.[134] Governor Gilmore expressly advocated in his State of the Commonwealth address to the General Assembly on January 19, 1998 additional tax incentives,

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129 See Virginia Code § 10.1-401ff.

130 See Virginia Code § 10.1-407.

131 *Virginia Outdoors Plan*, p. 70.

132 See "Nature-based Tourism Cultivates the Greening of Virginia," *Virginia Town and City*, May 1997, pp. 10–13.

133 "Pokomoke, Potomac, Mattaponi Make 'Endangered' Rivers List," *Bay Journal*, v. 8, no. 3 (Alliance for the Chesapeake Bay), May 1998, p. 6.

134 "Refuge is delayed," p. B1.

environmentally responsible land use, and conservation easements to create or preserve wetlands and riparian buffers and thereby protect the rural beauty of the Commonwealth.

Major Scenic Attractions—The Blue Ridge Parkway and the Chesapeake Bay are two examples of other major scenic attractions in the state that need similar protection. The ACIR heard testimony that proposed development within the Blue Ridge viewshed jeopardizes the spectacular natural beauty that makes this asset one of Virginia's finest attractions. Although the National Park Service owns a narrow strip of land that comprises the Parkway itself, it is not authorized to purchase adjacent land, nor does it have authority to control development on the adjacent property. While some local governments and concerned citizens in the area are working with developers, landowners, and nonprofit organizations to promote protection of these valuable viewsheds, the ACIR learned that there are also opportunities for a greater state role to protect state interest in the Parkway.[135] According to a recent report, Virginia's 200-mile portion of the Blue Ridge Parkway generated approximately $511.7 million, supported 13,000 jobs, and promoted an average expenditure of $38.40 per visitor-day in a recent year.[136]

State involvement in protection of the Chesapeake Bay is primarily the responsibility of the Chesapeake Bay Local Assistance Department, which works closely with localities in the bay watershed in that endeavor. The Chesapeake Bay, which is approximately 200 miles in length and varies in width from 4 to 30 miles, is one of the largest and richest estuaries in the world.[137] State efforts to preserve water quality and bay wildlife complement local efforts to preserve the visual quality in the region. However, the loss of forests and wetlands and the threat posed by suburban sprawl, agriculture waste, toxins, oil spills, and other conditions in the watershed continue to pose serious problems that endanger both the health of the bay and its beauty. Bay oysters, for example, are now approximately 1% of their historic quantity.[138] Local officials have expressed the need for greater authority to manage growth, control intensified agricultural waste, and acquire watershed land and conservation easements to safeguard this unique state asset.

Landscapes That Respect History. Clearly, some of the greatest economic benefits that flow from these and other scenic resources come from tourism. The travel industry is currently the

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135 "Parkway for Sale: Is the Park Service's Jewel a Hot Development Zone?" *Charlottesville Weekly*, v. 8, no. 25 (Charlottesville,Va.), June 25, 1996, p. 1. See also testimony of Joyce Waugh, Member, Coalition for the Blue Ridge Parkway, presented to the ACIR June 30, 1997; Rex Bowman, "Virginia's overlooked byway," *Richmond Times-Dispatch* (Richmond, Va.), May 11, 1997, p. E1, E6; and Rex Bowman, "Virginia seen missing out on parkway tourism," *Richmond Times-Dispatch* (Richmond, Va.), January 1, 1998, p. B1, B4.

136 *1995–96 Economic Impact of Travel to the Blue Ridge Parkway: Virginia and North Carolina,* prepared for the Coalition for the Blue Ridge Parkway and the National Park Service, pp. i–ii.

137 Executive Summary, *Turning the Tide: Saving the Chesapeake Bay* (Chesapeake Bay Foundation), 1997, pp. 1–2. (Hereafter, *Turning the Tide.*)

138 *Turning the Tide*, p. 4.

third largest retail industry in the Commonwealth and continues to grow.[139] Virginia, in fact, ranked tenth in the nation for tourism-travel-related spending in 1996.[140] Since the state's many historic attractions account for a significant portion of this revenue, efforts to support local historic preservation programs and associated improvements in visual quality contribute to this important source of economic vitality.

To this end, DHR offers many programs to assist localities in their preservation efforts. In addition, numerous localities are beginning to collaborate with nonprofit organizations, landowners, and others to create regional heritage tourism routes. The Driving Tour of the Route of Lee's Retreat through the City of Petersburg and seven neighboring counties is one example. The proposed Journey Through Hallowed Ground along scenic Route 15 through historic communities from Gettysburg, Pennsylvania to Charlottesville, Virginia is another. The ACIR received testimony that the state may be able to provide greater assistance for such preservation and tourism efforts by promoting increased battlefield protection, authorizing the creation of rural historic districts, and developing a statewide program of certified heritage areas.[141] As such efforts combine to increase the visual quality and historic integrity of rural areas, those communities and the state as a whole benefit.

CONCLUSION

Without question, Virginia has a well deserved reputation for beauty. It is equally clear that the state's quality visual environment plays a key role in both state and local economies. Innovative state and local programs have already made dramatic progress in preserving and enhancing the visual environment throughout the state. But more can and should be done. To fail to promote and protect the Virginia's stunning physical environment to the best of our ability would be a betrayal of the public trust.

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139 "1996 Impact of Travel in Virginia," *Virginia Commerce Quarterly*, v. 2, no. 3 (Virginia Economic Development Partnership), 1997, p. 11. (Hereafter, "1996 Impact of Travel.")

140 "1996 Impact of Travel," p. 11.

141 Pennsylvania and Maryland both have successful statewide programs of this type. Testimony of Sally Oldham, President, Oldham Historic Properties, Inc., presented to the ACIR November 10, 1997.

HOUSE JOINT RESOLUTION NO. 447

Requesting the Virginia Advisory Commission on Intergovernmental Relations to study state and local efforts to protect the aesthetic qualities of the Commonwealth for the purpose of enhancing and enriching the economy and quality of life in Virginia.

Agreed to by the House of Delegates, January 30, 1997
Agreed to by the Senate, February 19, 1997

WHEREAS, the Virginia Advisory Commission on Intergovernmental Relations has previously received testimony from local governments, professional associations, and civic groups regarding their concerns and efforts with respect to the protection and preservation of the Commonwealth's extraordinary aesthetic attributes; and

WHEREAS, Virginia's natural beauty, its distinctive architecture, and historic areas are major components of the Commonwealth's aesthetic environment; and

WHEREAS, the Commonwealth's aesthetic attributes are largely responsible for travel-related spending in Virginia, which in 1995 was estimated to exceed $9.6 billion; and

WHEREAS, the continued economic development of the Commonwealth will be significantly affected by the preservation of its aesthetic qualities; and

WHEREAS, the visual environment confronted by individuals in their daily routines has a profound effect on personal attitudes and productive capacities; and

WHEREAS, public consciousness of the significance of the visual quality of the Commonwealth to our economic future and to the psychological well-being of our residents is indispensable for the preservation of Virginia's aesthetic attributes; and

WHEREAS, the continued protection of the Commonwealth's visual qualities requires the collaboration of state agencies, local government, commercial entities, and the general public; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Advisory Commission on Intergovernmental Relations be requested to study state and local efforts to protect the aesthetic qualities of the Commonwealth for the purpose of enhancing and enriching the economy and quality of life in Virginia. The Virginia Advisory Commission on Intergovernmental Relations shall also recommend the means by which such efforts may be enhanced and extended.

All agencies of the Commonwealth shall provide assistance to the Virginia Advisory Commission on Intergovernmental Relations for this study, upon request.

The Virginia Advisory Commission on Intergovernmental Relations shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Attachment A