

**COMBINED 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. 99**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2000**



**INTERIM REPORT OF THE  
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**HOUSE DOCUMENT NO. 90**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1998**



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# COMMONWEALTH of VIRGINIA

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and  
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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,

A handwritten signature in cursive script, appearing to read "Vincent F. Callahan, Jr.", written in dark ink.

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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> Finding adequate words

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<sup>1</sup> 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.

<sup>2</sup> For specific examples of these benefits to communities, see discussion of historic districts and downtown revitalization below.

<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> He further established that a lack of visual stimulation could lead to increased risk of anxiety, depression, delirium, and temporary psychosis.<sup>6</sup>

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.<sup>7</sup> Similarly, a study of prison inmates

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<sup>4</sup> 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.

<sup>5</sup> "Design Impacts," p. 25.

<sup>6</sup> "Design Impacts," p. 20.

<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> 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%)<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup> 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.

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(Hereafter, "Human Issues.")

<sup>8</sup> 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.

<sup>9</sup> 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.

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

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

<sup>12</sup> 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.

<sup>13</sup> 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.<sup>14</sup> Not only is it good politics to solicit citizens' ideas and opinions about their community's appearance, it may be crucial to success.<sup>15</sup> 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."<sup>16</sup>

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

<sup>15</sup> 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.

<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup> 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.<sup>19</sup>

**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.<sup>20</sup>

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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<sup>17</sup> 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.

<sup>18</sup> See Anton C. Nelessen., *Visions for a New American Dream*, 1994.

<sup>19</sup> 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.")

<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup>

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.<sup>23</sup>

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

<sup>22</sup> "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.

<sup>23</sup> 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 may be one consideration. See *Kenyon Peck, Inc. v. Kennedy*, 210 Va. 60, 168 S.E.2d 117 (1969) ("aesthetic considerations ... need not be disregarded in adopting legislation to promote the general welfare").

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.<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup> 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.<sup>27</sup>

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.<sup>28</sup> 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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<sup>24</sup> See, for example, Jack Nassar, *The Evaluative Image of the Street*, 1998. See also Anton C. Nelessen, *Visions for a New American Dream*, 1994.

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

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

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

<sup>28</sup> 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.<sup>29</sup> 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.<sup>30</sup> 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.<sup>31</sup>

**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.<sup>32</sup>

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<sup>29</sup> 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.

<sup>30</sup> Testimony of Ed Maroney, City Manager, City of Newport News, presented to the ACIR October 21, 1996.

<sup>31</sup> *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*).

<sup>32</sup> 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.<sup>33</sup> 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.<sup>34</sup> Loudoun County and the Cities of Alexandria, Charlottesville, and Virginia Beach are among the numerous Virginia localities that ban billboards outright.<sup>35</sup>

**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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<sup>33</sup> 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.

<sup>34</sup> 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).

<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup>

According to local officials, Hanover County's master plan for the placement of cellular communications towers provides an excellent model.<sup>38</sup> 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.<sup>39</sup> 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.<sup>40</sup> 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.<sup>41</sup>

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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<sup>36</sup> Pub. L. No. 104-104.

<sup>37</sup> 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.

<sup>38</sup> 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.

<sup>39</sup> "Disguising Cellular Towers and Antennae," *Virginia Citizens Planning Association Newsletter*, v. 47, no. 3-4, September-December 1997, p. 5.

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

<sup>41</sup> 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.<sup>42</sup> 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.<sup>43</sup> 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.<sup>44</sup>

**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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<sup>42</sup> Testimony of Sally Oldham, President, Oldham Historic Properties, Inc., presented to the ACIR November 10, 1997.

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

<sup>44</sup> 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.<sup>45</sup>

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.<sup>46</sup> The proposed East Ocean View development in Norfolk is also being planned according to these concepts.<sup>47</sup> Haymount, a planned community to be built on the Rappahannock River in Caroline County is another example.<sup>48</sup> 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.<sup>49</sup>

**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.<sup>50</sup> But they also play an important role as an ordering device that helps to tie an area

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<sup>45</sup> *Community Appearance and the Law*, p. 7.

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

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

<sup>48</sup> "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](http://www.ebuild.com/Archives/Other_Copy/Haymount.html).

<sup>49</sup> 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.

<sup>50</sup> 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](http://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.<sup>51</sup>

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.<sup>52</sup> 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.<sup>53</sup> 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.<sup>54</sup>

**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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<sup>51</sup> "Trees Make Sense," Technical Bulletin (Scenic America). See also "Benefits of Urban Trees," available [www.lpb.org/programs/forest/benefits.html](http://www.lpb.org/programs/forest/benefits.html).

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

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

<sup>54</sup> Information about Bristol's Tree City U. S. A. designation is available at [www.clean.memphis.edu/bristol.htm](http://www.clean.memphis.edu/bristol.htm); information about Norfolk's designation is available at [www.norfolk.va.us/press/treecity.html](http://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.<sup>55</sup>

**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.<sup>56</sup> 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.<sup>57</sup> The City of Winchester was one of the pioneering localities in using this technique to maintain and improved its Old Town Mall.<sup>58</sup>

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.<sup>59</sup>

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<sup>55</sup> "Streetscape Plan in Staunton," p. 7.

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

<sup>57</sup> 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).

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

<sup>59</sup> 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.<sup>60</sup>

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.<sup>61</sup> That County, like the Cities of Richmond and Lynchburg, also offers tax credits to owners who repair run-down homes or businesses.<sup>62</sup> In addition, Richmond's Operation Squalor program focuses on aggressive prosecution of slumlords based on tenants' complaints about specific nuisances.<sup>63</sup> The City of Fairfax enlists the help of retirees to patrol neighborhoods looking for neglected properties that may require city action.<sup>64</sup>

**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 heroes, 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.<sup>65</sup> 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.

<sup>60</sup> 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).

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

<sup>62</sup> "Aging Fairfax," p. B1.

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

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

<sup>65</sup> 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.<sup>66</sup> 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.<sup>67</sup>

**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.<sup>68</sup> 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.<sup>69</sup> 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.<sup>70</sup> 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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<sup>66</sup> *Virginia Preservation Update* (Preservation Alliance of Virginia), September–October 1997, p. 3.

<sup>67</sup> 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.

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

<sup>69</sup> 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.

<sup>70</sup> 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.<sup>71</sup> By 1990, the average residential property value in that City's historic district was approximately \$138,500 compared to \$87,000 in other areas.<sup>72</sup> Similarly, impressive results have been documented in historic districts in Richmond and in Staunton.<sup>73</sup>

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.<sup>74</sup> 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.<sup>75</sup> 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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<sup>71</sup>*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*.)

<sup>72</sup> *Economic Benefits: Fredericksburg*, p. 3.

<sup>73</sup> 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.

<sup>74</sup> 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.

<sup>75</sup> *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.<sup>76</sup> 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.<sup>77</sup>

**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.<sup>78</sup>

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.<sup>79</sup> Since the program's inception in the state in 1985, 23 Virginia communities have participated and, among their other accomplishments, have improved their appearance.<sup>80</sup> 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.<sup>81</sup> 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.<sup>82</sup>

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

<sup>77</sup> "Historic Resources as Assets," p. 7.

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

<sup>79</sup> 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.

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

<sup>81</sup> *Facts and Figures*.

<sup>82</sup> 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.<sup>83</sup> 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.<sup>84</sup>

**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.<sup>85</sup>

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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<sup>83</sup> See discussion of quality of life above.

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

<sup>85</sup> 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.<sup>86</sup>

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.<sup>87</sup> 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.<sup>88</sup>

**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.<sup>89</sup> 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.<sup>90</sup> 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.<sup>91</sup>

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<sup>86</sup> Wes Allison, “Mountain comeback,” *Richmond Times-Dispatch* (Richmond, Va.), April 22, 1998, p. B4.

<sup>87</sup> 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.

<sup>88</sup> Robert Preer, “Dark Sky Movement Cuts Light Pollution From Cities That Never Sleep,” *Nation’s Cities Weekly*, September 29, 1997, p. 11.

<sup>89</sup> See Elizabeth Brabec, “On the Value of Open Spaces” (monograph) (*Scenic America*), v. 1, no. 2, 1992.

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

<sup>91</sup> 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.<sup>92</sup> 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.<sup>93</sup> 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.<sup>94</sup>

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.<sup>95</sup> 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.<sup>96</sup> As a result, the more farmland the City protects, the greater savings it realizes. Localities can also protect their

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

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

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

<sup>95</sup> 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.

<sup>96</sup> Testimony of Mary Heinrich, 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.<sup>97</sup>

A third major approach localities have used is to preserve open space through the use of tax incentives for landowners.<sup>98</sup> 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.<sup>99</sup> Twenty-four counties and one city currently have agricultural and forestal districts, the largest of which protects over 86,000 acres.<sup>100</sup>

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.<sup>101</sup> Approximately 65 localities currently provide this tax incentive.<sup>102</sup>

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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<sup>97</sup> *Virginia Outdoors Plan*, p. 352.

<sup>98</sup> 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.

<sup>99</sup> See Virginia Code §§ 15.2-4300—15.1-4314.

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

<sup>101</sup> See Virginia Code §§ 58.1-3230—58.1-3244.

<sup>102</sup> *Virginia Outdoors Plan*, p. 351.

declared the County's future, are protected.<sup>103</sup> 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.<sup>104</sup> 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.<sup>105</sup>

**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.<sup>106</sup> Similarly, officials of the Metro subway system in the Rosslyn community in Arlington County plan to enhance the

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<sup>103</sup> "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.")

<sup>104</sup> "Growth Management Innovations," p. 23.

<sup>105</sup> "Growth Management Innovations," pp. 20–26.

<sup>106</sup> 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.<sup>107</sup>

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.<sup>108</sup>

**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.<sup>109</sup> 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.<sup>110</sup> A third example is Reston's massive Town Center enclosing a one-acre central plaza.<sup>111</sup>

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

<sup>108</sup> 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.

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

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

<sup>111</sup> 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.<sup>112</sup>

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.<sup>113</sup> 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.<sup>114</sup> In Southwest Virginia, the 34-mile Virginia Creeper National Recreation Trail crosses from the Town of Abingdon into North Carolina.<sup>115</sup> 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.<sup>116</sup>

### **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.<sup>117</sup> The same principles that local officials have applied successfully to improve the appearance and

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<sup>112</sup> 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/](http://www.tpl.org/tpl/).

<sup>113</sup> Elizabeth H. Belcher, "The Greening of Roanoke," *Virginia Review*, v. 76, no. 1, January-February 1998, p. 27.

<sup>114</sup> *Virginia Outdoors Plan*, p. 92.

<sup>115</sup> *Virginia Outdoors Plan*, p. 92.

<sup>116</sup> Further information is available at [www.greenway.org](http://www.greenway.org).

<sup>117</sup> 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.<sup>118</sup> 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.<sup>119</sup>

**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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<sup>118</sup> 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.

<sup>119</sup> 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.<sup>120</sup> 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.<sup>121</sup>

**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.<sup>122</sup> 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.<sup>123</sup>

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.<sup>124</sup>

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

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

<sup>122</sup> 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.

<sup>123</sup> 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.

<sup>124</sup> 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.<sup>125</sup> However, localities participating in the Scenic Byways program have primary authority to control signage along state scenic byways under their jurisdiction.<sup>126</sup> 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<sup>127</sup>; 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.<sup>128</sup> 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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<sup>125</sup> 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.

<sup>126</sup> 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.

<sup>127</sup> 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.

<sup>128</sup> 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.<sup>129</sup> 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.<sup>130</sup> 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.<sup>131</sup> 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.<sup>132</sup>

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.<sup>133</sup> 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.<sup>134</sup> 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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<sup>129</sup> See Virginia Code § 10.1-401ff.

<sup>130</sup> See Virginia Code § 10.1-407.

<sup>131</sup> *Virginia Outdoors Plan*, p. 70.

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

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

<sup>134</sup> "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 watershed 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.<sup>135</sup> 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.<sup>136</sup>

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.<sup>137</sup> 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.<sup>138</sup> 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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<sup>135</sup> "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.

<sup>136</sup> *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.

<sup>137</sup> Executive Summary, *Turning the Tide: Saving the Chesapeake Bay* (Chesapeake Bay Foundation), 1997, pp. 1-2. (Hereafter, *Turning the Tide*.)

<sup>138</sup> *Turning the Tide*, p. 4.

third largest retail industry in the Commonwealth and continues to grow.<sup>139</sup> Virginia, in fact, ranked tenth in the nation for tourism-travel-related spending in 1996.<sup>140</sup> 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.<sup>141</sup> 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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<sup>139</sup> "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.")

<sup>140</sup> "1996 Impact of Travel," p. 11.

<sup>141</sup> 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.





**FINAL REPORT OF THE  
ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS**

**AESTHETICS, QUALITY OF LIFE,  
AND COMMUNITY VITALITY:  
THE IMPACT OF VIRGINIA'S  
VISUAL RESOURCES ON THE  
STATE AND ITS LOCALITIES**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2000**



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# COMMONWEALTH of VIRGINIA

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March 10, 2000

The Honorable James S. Gilmore, III  
Governor of Virginia  
and  
Members of the General Assembly of Virginia

Dear Colleagues:

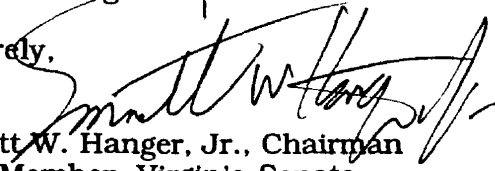
As required by House Joint Resolution 107 (1998), the Virginia Advisory Commission on Intergovernmental Relations (ACIR) is pleased to submit this report, which represents the culmination of the ACIR's research into the question of the impact of State and local efforts to preserve and enhance visual quality on communities' potential for economic development. To my knowledge, 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 of 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 serves as a supplement to the interim report, which was previously issued under separate cover as House Document 90 (1998) and which set out a wide array of issues associated with efforts to improve visual quality. Due to the broad scope of that project and its complexity, the ACIR requested an extension of this study, which was approved by the General Assembly with the passage of House Joint Resolution 107 (1998).

The ACIR continues to view this subject as an important area of inquiry for Virginia's citizens, communities, and the State as a whole. We hope that this report will increase understanding and awaken further interest in the issue.

Sincerely,

  
Emmett W. Hanger, Jr., Chairman  
and Member, Virginia Senate

c: Members, Advisory Commission on  
Intergovernmental Relations



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## EXECUTIVE SUMMARY

In 1998, the Advisory Commission on Intergovernmental Relations (ACIR) issued a report entitled *The Impact of Aesthetics on the Economy and Quality of Life in Virginia and Its Localities* as the interim report of a comprehensive two-year study of the effect of the visual environment on community vitality. The report documented a significant correlation between efforts to preserve and enhance community appearance and improvements in both quality of life and State and local economies. Following publication of the interim report, the ACIR's Visual Quality Committee received testimony and conducted additional research about a variety of related concerns, including several matters that were determined to be significant enough to merit further treatment. Among these were State and local policies concerning aesthetics as well as light pollution, heritage tourism, and alternative funding programs to preserve open space.

Those subjects are therefore the focus of this final report. The first section of Part One includes an overview of relevant policies which shows that Virginia consistently recognizes the significance of its visual resources in official policy statements; however, unlike the majority of other states, the Commonwealth continues to require localities to underpin any regulation of aesthetics with at least one other health, safety or welfare justification. According to some localities, this additional requirement can lead to contrived and unnecessarily complex ordinances and procedures. Section 2 concerns light pollution and explains the ways in which excessive lighting and glare can degrade the visual quality of the night sky. It also offers a variety of alternative approaches communities can adopt to protect this distinctive element of their appearance and character. Section 3 addresses heritage tourism, a tourism trend which numerous other states have recognized and have turned to their advantage through statewide certified heritage tourism programs. Through such programs these states have identified their unique historic, cultural, and natural resources and have created official heritage tourism areas that they promote as travel destinations for visitors who seek a more intense immersion experience on their visit than typical tourists do. Although such programs generally require a significant commitment of state resources, research shows that they not only to protect and enhance valuable state assets but also attract more tourists and increase tourism revenues. Such a statewide program might offer similar benefits for Virginia. The last section of Part One includes a review of a variety of open space funding approaches used in other states as well as a summary of recent open space funding efforts in Virginia.

Part Two of this report includes profiles of five localities in different regions of the Commonwealth that have made a commitment to protect and improve the visual environment of their communities and describes some of the tools they have used to reach their objectives. The localities profiled here are Albemarle County, Chesterfield County, the Town of Herndon, the City of Roanoke, and the City of Virginia Beach. In future publications, the ACIR expects to continue to publish similar profiles of localities that are taking the lead in preserving and enhancing the character and visual quality of their communities.



## PART ONE

### INTRODUCTION

#### BACKGROUND

In 1997, the Virginia General Assembly adopted House Joint Resolution 447 (HJR 447) which formally asked the Virginia Advisory Commission on Intergovernmental Relations (ACIR) to conduct a comprehensive study of the impact of aesthetics on the economy and the quality of life of the State and its localities and to report its findings to the Governor and the 1998 General Assembly. (See Appendix A.) A comprehensive study of this subject was unprecedented in the Commonwealth and possibly in the United States.

In response, the ACIR held a series of forums to receive testimony from State and local officials, environmental activists, community leaders, lawyers, entrepreneurs, nonprofit agency representatives, and others on all aspects of these issues. In addition, ACIR staff conducted a literature search of relevant newspapers, journals, official reports, books, and other publications, as well as an electronic search of materials available on the Internet. Staff also attended conferences and meetings on related subjects and conducted interviews with knowledgeable individuals.

It became clear as a result of these activities that HJR 447 had presented the ACIR with issues of sweeping scope and demanding complexity. Accordingly the ACIR recommended to the 1998 General Assembly that the study be continued for another year. Based on this recommendation, the legislature enacted House Joint Resolution 107. (See Appendix B.) In early 1998, the ACIR issued an interim report entitled, *The Impact of Aesthetics on the Economy and Quality of Life of Virginia and Its Localities* (House Document 90/1998), which presented many of the issues for public consideration.

In May 1998, ACIR Chairman James M. Scott established the Visual Quality Committee, comprised of five ACIR members, to continue examining issues raised by the visual quality study, and he appointed ACIR member Joseph D. Kavanagh as its chair. The new committee met six times: on September 14, October 30, and December 10, 1998 and on January 11, April 12, and September 29, 1999. During these meetings the Visual Quality Committee heard additional testimony, adopted findings and recommendations, developed plans for the study's final report, and began to consider the implementation phase that would follow. (See Appendix C.)

As part of these meetings, the Visual Quality Committee received testimony from members of the public concerned about a variety of issues addressed in the interim report. In addition, some members of the Committee raised new issues during these meetings for public discussion. A consensus developed that these additional considerations should be explored further in the final report. As a result, Part One of this report examines 1) the role accorded aesthetics in current state law and local policies and 2) the need for public action with respect to the preservation of the night sky, heritage tourism and funding for statewide open space preservation programs.

Members of the ACIR and Visual Quality Committee also determined that the final report should feature profiles of individual localities with synopses of specific programs they had undertaken to preserve and enhance the visual quality and the vitality of their communities. Thus, Part Two of this report is a series of profiles of the following localities: Albemarle County, Chesterfield County, the Town of Herndon, the City of Roanoke, and the City of Virginia Beach.

## 1. STATE AND LOCAL POLICIES AFFECTING AESTHETICS

Even a cursory survey of applicable statutes and other relevant Virginia law produces numerous examples of official declarations about the value of aesthetics to the Commonwealth and its localities. In the Code of Virginia, for example, where express statements of policy are often included as part of the legislation enacted by the General Assembly, the language of some statutes emphatically makes the case for the importance of visual quality. For example, Article 1 of the act authorizing the regulation of billboards in sight of public highways states:

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. . . .<sup>1</sup>

Similarly, provisions of the Code of Virginia that created the Department of Environmental Quality and gave it primary responsibility for protecting the State's environmental quality underscore the importance of visual resources by including them in the three-part definition of the crucial term, "environment":

"*Environment*" means the natural, scenic and historic attributes of the Commonwealth.<sup>2</sup>

The enabling legislation that gives localities the authority to create local agricultural and forestal districts expands on this theme:

It is . . . state policy to encourage the local governments of the Commonwealth to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, aesthetic quality and other environmental purposes.<sup>3</sup>

Moreover, the need for an attractive community is cited as one of the six reasons that underpin the State's grant of zoning authority to localities, just as the destruction of scenic beauty is invoked as

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<sup>1</sup>Virginia Code § 33.1-351.

<sup>2</sup>Virginia Code § 10.1-11182. Note that this term is defined in a similar manner in the provisions that established the Department of Conservation and Recreation: "'Environment' means the natural, scenic, scientific and historic attributes of the Commonwealth." Virginia Code § 10.1-108.

<sup>3</sup>Virginia Code § 15.2-4401.

one of the hazards of uncontrolled mining.<sup>4</sup> The charters, ordinances, and official plans of Virginia's local governments offer many more examples of official pronouncements on the importance of a quality visual environment from a local perspective.<sup>5</sup>

Equally noteworthy, however, are examples of State and local actions to preserve and improve visual quality. For example, Virginia designates a system of Scenic Byways and devotes resources to producing and distributing an official Scenic Byway map and to assisting localities that elect to participate in the program. These actions suggest that State and local officials consider the beauty of a country road a valuable asset in its own right, apart from whatever other purpose the highway might serve, and that by preserving these distinctive rural roads localities can attract tourists and revitalize their communities. In the same way, the Department of Transportation's Color on the Highways program for planting wildflowers along highway corridors represents an endorsement of the view that aesthetics adds value to the experience of traveling. If the flowers serve no other purpose there than to be beautiful, the expenditure of State resources on the program reflect the judgment that their beauty adds to the public good. Many other examples of similar efforts could also be cited to show that State and local policy, whether express or implied, supports the premise that aesthetics is a significant factor in both the economy and quality of life in Virginia and therefore should be protected and enhanced.

The courts, too, have acknowledged that aesthetics is an important facet of life in Virginia and have ruled that it can be a justification for regulating the use of private property.<sup>6</sup> However, an important distinction between courts here and in a majority of other states is that Virginia requires at least one additional basis to support an exercise of a governmental entity's police powers. This rule was established in an early Virginia zoning case, *West Brothers Brick Company v. Alexandria*, in which the Virginia Supreme Court upheld the prohibition of a mining operation within the City of Alexandria's corporate limits.<sup>7</sup> The Court in *West Brothers* found that the City's action was based on nuisance abatement as well as aesthetics.<sup>8</sup> Years later, the Virginia Supreme Court followed the same reasoning in *Kenyon Peck v. Kennedy* when it ruled that an Arlington County ban on fluttering colored plastic advertising pennants around a car dealership

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<sup>4</sup>Virginia Code §15.2-2283 ("to facilitate the creation of a convenient, attractive and harmonious community"); Virginia Code § 45.1-180.2 ("Uncontrolled mining of . . . minerals and unreclaimed land can adversely affect the environment through the destruction of vegetative cover, the disruption of drainage patterns, the increased siltation and sedimentation of streams as well as other forms of pollution and the temporary and, in some circumstances, permanent destruction of scenic beauty and wildlife habitats.")

<sup>5</sup>See, for example, discussions of specific localities' statements of policy in Part Two of this report.

<sup>6</sup>See for example *West Brothers Brick Company v. Alexandria*, 169 Va. 271, 192 S.E. 881 (1937) and *Kenyon Peck v. Kennedy*, 210 Va. 60, 168 S.E.2d 117 (1969).

<sup>7</sup>169 Va. 271, 282 (1937) ("Aesthetic considerations alone are not enough but they should be considered.")

<sup>8</sup>169 Va. 271, 286 (1937). ("Evidence is not needed to tell us that an eighteen-acre clay pit within a city's limits and near a great national boulevard would be an eyesore and a nuisance.")

was valid because it not only controlled the area's appearance, it also prevented highway conditions that could distract drivers.<sup>9</sup> Neither opinion fully explained why the Court apparently considered aesthetics an insufficient independent basis for regulation. However, the answer is likely that the Court in both cases considered it too subjective and therefore too arbitrary a foundation on which to base an ordinance and still satisfy constitutional due process standards.<sup>10</sup>

Whether the same reasoning would apply today, however, is open to question. Numerous developments since the 1960s could persuade the Court that its policy should be reconsidered. Among these are recent research showing the high degree of consensus about visual quality that often exists in communities, the general acceptance of objective design guidelines and other such standards in land use planning, new evidence about the importance of a quality visual environment to individual health and to communities, and the weight of opinion from other states. The ACIR heard testimony from local officials that such a change in the Court's perspective would be welcome. In particular they expressed a desire to eliminate the need for multiple rationales for regulatory tools they view as necessary to help them achieve their communities' visual quality goals.<sup>11</sup>

## 2. PRESERVATION OF THE NIGHT SKY

The Visual Quality Committee of the ACIR also heard testimony that throughout the Commonwealth and the country as a whole communities are thoughtlessly sacrificing an important element of their ambiance and natural heritage: the beauty of starry nighttime skies.<sup>12</sup> In these communities, glare and other forms of light pollution are allowed to mask all but the brightest stars, depriving the public of a profoundly pleasurable experience that humankind has enjoyed for centuries. Ironically, research shows that a few relatively simple and inexpensive measures can prevent such losses and, in the process, can conserve energy, save money, and deter crime.

Evidence shows that the principal cause of light pollution is poorly designed outdoor lighting. Unless a community has adopted special measures to protect the dark sky, light pollution is likely to result from a host of poorly designed light sources in the area that produce glare. Typically these include excessively bright lights illuminating highway systems, streets, parking lots, landscaping, monuments, billboards, recreational facilities, and residential or commercial

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<sup>9</sup>210 Va. 60, 168 S.E.2d 117 (1969).

<sup>10</sup>For an in-depth analysis of applicable legal principles, see John J. Costonis, "Law and Aesthetics: A Critique and a Reformulation of the Dilemmas," *Michigan Law Review*, vol. 80 (January 1982), pp. 355-461.

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

<sup>12</sup>See, for example, testimony of Philip A. Ianna, Professor, Department of Astronomy, University of Virginia, presented to the Visual Quality Committee of the Advisory Commission on Intergovernmental Relations (ACIR) December 10, 1998. Note that the New Mexico Heritage Preservation Alliance ranked the New Mexico night sky statewide as that state's fourth most endangered place. See *Sprawl Watch Clearinghouse Newsletter*, vol. 1 no. 1 (April 19, 1999) available at [www.sprawlwatch.org](http://www.sprawlwatch.org).

building exteriors. In addition to glare, however, light pollution may also come from misdirected or stray light, from unnecessarily reflected light, and from light produced at times and in amounts greater than what is needed for a particular purpose.

The adverse impact of any single source of light pollution on the aesthetics of the night sky may seem minor at first, perhaps even trivial. However, the harmful effects of all these sources in a community can combine to produce sky glow, an all-too-familiar phenomenon in populated areas that robs the community of its view of the stars. Moreover, glaringly bright lighting in certain areas such as business or industrial districts can degrade the quality of the immediate nighttime environment for residents and visitors to such an extent that the area takes on a casino quality and seems "trashy," a place they want to avoid. When enough people share this perception, that part of the community may also suffer from adverse social and economic impacts.

Poorly designed outdoor lighting has a variety of other drawbacks, too. Glare or misdirected lighting from one property owner's land shining onto a neighbor's can create a nuisance. Sky glow can undermine the efforts of astronomers in observatories up to 50 miles away and can disorient migrating birds. Glare, whether blinding or merely uncomfortable, can be a highway safety hazard, especially for senior citizens who drive. Severe glare from security lighting around buildings and in parking areas can reduce the visibility of adjacent unlit areas, increasing the incidence of crime. To make matters worse, research shows that the inefficient use of light in each of these instances not only despoils an area and wastes energy, but increases costs as well.

According to the International Dark-Sky Association, however, a variety of workable alternatives is available.<sup>13</sup> To prevent sky glow, structures such as billboards can be lit from above so that the beam is directed down onto the target objects instead of aimed up into the sky. Well designed shields for various types of outdoor lights can assist in this process, making the bulbs invisible from either above or below the fixtures. Timers, dimmers, and motion sensing devices can be used to reduce or eliminate excessive lighting without compromising safety. Lowering the position of some fixtures may reduce the amount of light that intrudes onto neighboring properties. Low-pressure sodium lights can save energy and may be used effectively for residential street lights, whereas high-pressure sodium lights may be appropriate for major streets.

The Visual Quality Committee heard testimony that only a few localities in Virginia have recognized the advantages of requiring these kinds of measures to preserve the natural character of the night sky. Nor has the State provided leadership in addressing such issues. However, the economic and environmental benefits of dark sky preservation, in addition to its aesthetic and quality-of-life advantages, suggest that both the State and its localities could gain significantly from doing so.

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<sup>13</sup>See for example John Batinsey, "Information Sheet No. 121," International Dark-Sky Association, April 1997.

### 3. HERITAGE TOURISM

In 1998 Governor Gilmore announced that Virginia ranked tenth in the nation in tourism revenues.<sup>14</sup> Clearly, tourism is already one of Virginia's most important industries. However, the ACIR received testimony that both the State and its localities may be able to increase tourism revenue and simultaneously advance other economic development, historic preservation, and regional planning goals by tapping into an important niche market of travelers—heritage tourists. These are visitors who travel to natural, historic, and cultural attractions for enjoyment and to learn about the past. The ACIR heard testimony that such tourists have been a boon to other states but remain underserved here. Experts testified that several neighboring states have created officially designated heritage areas to draw such tourists and have reported an impressive increase in tourism and economic gains.<sup>15</sup> Heritage areas are thematically organized travel routes developed around specific environmental, scenic, cultural, and historic resources. Moreover, the ACIR also learned that the official designation of heritage areas promotes the preservation of important environmental, scenic, cultural, and historic resources. Because of the vast number of heritage resources in this state, experts reported that Virginia may also be in an excellent position to take advantage of this phenomenon.<sup>16</sup>

Research discloses that heritage tourism is a part of a larger trend known as cultural tourism which has transformed the tourism industry in the last decade. Whereas a typical traveler might select a single destination for a visit and incidentally find one or more places of interest nearby to explore, a cultural or heritage tourist seeks a fuller and more authentic experience of a distinctive area and chooses multiple sites, services, and events for his or her itinerary. These may include historic places, heritage festivals, local music events, archeological sites, ethnic restaurants, art performances, crafts demonstrations, trails, museums, shops, or a variety of other thematically related experiences. From the visitor's point of view, this multifaceted approach to traveling unveils an area's authentic cultural traditions, history, and natural environment in a single trip and yet gives the traveler the choice of participating either casually through quick glimpses and brief encounters or more intensively through sustained immersion in the subject matter. At its best, cultural tourism fulfills the visitor's need to connect with a special place by experiencing it as a

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<sup>14</sup>State officials reported that tourist revenue in 1997 totaled \$11.2 billion. See "Dominic Perella, "Gilmore hopes to bring more tourists to Virginia," *Washington Times*, December 12, 1998.

<sup>15</sup>In 1995, 165.3 million people in the United States traveled as heritage tourists. Information available at [http://research.badm.sc.edu/research/bereview/be42\\_4/prt.htm](http://research.badm.sc.edu/research/bereview/be42_4/prt.htm). According to a 1996 U. S. Travel Data Center study, 45% of the U.S. adults planning a vacation in the spring of 1996 intended to visit a historic site; 41% planned to visit a cultural site. Information available [www.demographics.com/Publications/AD/96\\_ad/9609\\_ad/9609AB01.htm](http://www.demographics.com/Publications/AD/96_ad/9609_ad/9609AB01.htm). In a 1995 survey of 350 historic sites conducted by the National Trust for Historic Preservation, representatives from more than three-fourths of the historic attractions in the survey predicted attendance would rise in the next year; fewer than 2% expected attendance to decline. *Ibid.* See also testimony of Sally Oldham, President, Oldham Historic Properties, Inc., presented to the ACIR November 10, 1997.

<sup>16</sup>Testimony of Sally Oldham, President, Oldham Historic Properties, Inc., presented to the ACIR November 10, 1997



genuine community rooted to a particular place and set in time, rather than encountering it as a generic, artificial, or isolated tourist destination. From the perspective of host communities, cultural tourism draws visitors who typically have higher incomes, stay longer in the area, and spend more money when they travel.<sup>17</sup> As a result, it offers a region a promising economic development strategy. However, it also challenges public entities, private businesses, and cultural organizations in a region to work together as never before to identify the special character of their area, to link the activities and sites that might attract cultural and heritage tourists, to interpret these resources for them, to preserve and enhance these community assets, and to project a clear image of their region's identity and its attractions to the public.

Although Virginia has not adopted a statewide program of certified heritage areas, numerous grassroots coalitions of public and private interests across the State have begun to create unofficial ones.<sup>18</sup> In the minds of many, Colonial Williamsburg epitomizes such initiatives. However, other examples can also be found across the Commonwealth. The City of Petersburg, for example, collaborated with seven neighboring counties to develop the Driving Tour of Lee's Retreat, which commemorates their common Civil War heritage with an 110-mile interpretive tour of the 1865 retreat of Robert E. Lee's army, enhanced by historic markers, related signage, and a radio station explanation of relevant historical events. Within three years of its inception, the historic route had generated approximately 20,000 calls from interested travelers.<sup>19</sup> Similarly, portions of scenic Route 15 are being linked in a historic travel route called the Journey Through Hallowed Ground, which will connect the battlefields of Gettysburg, Pennsylvania to Thomas Jefferson's home, Monticello, in Charlottesville and will encompass numerous other historic sites and scenic attractions along the way. Plans for a Civil Rights in Education Heritage Trail are also under way in Southside Virginia, a product of the collaborative efforts of thirteen localities in the region. The proposed route will include significant historic sites in the civil rights struggle for equal educational opportunities for African-Americans, American Indians, women, the disabled, and the poor. When completed it is expected to generate more than \$65 million in revenue per year for the region.<sup>20</sup>

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<sup>17</sup>See "Shift Change," *Steel Heritage Chronicle*, p.l., available <http://trfn.clpgh.org/sihc/shift.htm>. (Hereafter, "Shift Change.") See also testimony of Sally Oldham, President, Oldham Historic Properties, Inc., presented to the ACIR November 10, 1997.

<sup>18</sup>In addition, a cultural tourism route in the Blue Ridge Mountains of Virginia and North Carolina called the Blue Ridge Music Trails Project is being developed and is scheduled for completion in the year 2000. It has won a \$225,000 grant from the National Endowment for the Arts. Information available <http://minerva.acc.virginia.edu/vfh/vfp/brmt.html>. Similarly, the Highland Cultural Coalition based in Floyd County won a grant from the Virginia General Assembly to develop a Craft Heritage Trail along the Blue Ridge Parkway just south of Roanoke to the North Carolina border. Information available [www.mfrl.org/compages/jackson/grant.htm](http://www.mfrl.org/compages/jackson/grant.htm).

<sup>19</sup> See "Driving Tour of Route of Lee's Retreat: Amelia, Appomattox, Buckingham, Cumberland, Dinwiddie, Nottoway, and Prince Edward Counties and the City of Petersburg, Virginia," *Forum News Special Report* (National Trust for Historic Preservation), vol. 3, no. 5, July/August, 1997, pp. 4-5.

<sup>20</sup>John Pope, "Heritage trail envisioned to focus on civil rights sites," *Richmond Times-Dispatch*, November 15, 1998, p. A 2.

Similar efforts have been made in communities across the country resulting in more than 150 designated heritage areas nationwide.<sup>21</sup> Although Illinois was the first state to make such a designation, Massachusetts, New York, and especially Pennsylvania have been credited with fully developing the concept and giving it momentum.<sup>22</sup> Pennsylvania now has eight officially designated heritage parks, funded through its Department of Community and Economic Development, and three others are under consideration. In 1996, Maryland created the Maryland Heritage Area Authority to oversee a statewide heritage area designation program with a \$1 million annual appropriation. Similarly, the Missouri General Assembly has allocated funds for a statewide cultural tourism plan, and South Carolina's Department of Highways and Public Transportation has contributed to the South Carolina Heritage Corridor, which is expected to boost tourism in rural areas of that state.<sup>23</sup> At the federal level, nineteen official heritage areas have been designated, and more are being considered. One of these, the 700-mile Potomac Heritage National Scenic Trail, runs through the Potomac River Valley along both sides of the river in northern Virginia and extends into Maryland and Pennsylvania linking historic, natural and recreational resources from the Chesapeake Bay to the Allegheny Highlands.

In 1999, the Virginia Tourism Corporation was renamed the Virginia Tourism Authority and reconstituted as an independent State entity with broad power to encourage and promote tourism, including the authority to create and operate regional tourism centers.<sup>24</sup> Yet the enabling legislation establishing the new Virginia Tourism Authority remains silent on the subject of heritage tourism. As a result, it is unclear whether the new Authority's powers are broad enough to include planning for a system of officially designated heritage areas. However, in light of the success of similar programs in other states, such a program in Virginia would appear to be advisable.

#### **4. FUNDING ALTERNATIVES FOR STATE OPEN SPACE PRESERVATION PROGRAMS**

In their deliberations, members of the ACIR agreed that the preservation of open space was a serious concern for Virginia, especially for rapidly developing parts of the State. They heard testimony that growth may be desirable for some areas and, in any case, is probably inevitable, yet they were also told that where the rapid loss of green space is unplanned and unmanaged, it can permanently rob a community of its distinctive look and charm, altering the quality and texture of peoples' lives. In addition, evidence showed that as sprawling suburban-style development brought more economic opportunities to previously remote areas and amenities such as shopping malls, discount stores, and multiplex theaters, it also often produced traffic congestion,

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<sup>21</sup>See "Shift Change," p. 1.

<sup>22</sup>"Shift Change," p. 2.

<sup>23</sup>Information on the South Carolina Heritage Corridor is available at [http://research.badm.sc.edu/research/bereview/be42\\_4/prt.htm](http://research.badm.sc.edu/research/bereview/be42_4/prt.htm).

<sup>24</sup>House Bill 2702 (1999). In addition, an increase of \$3 million was included in the Governor's 1999 amendments to the 1998–2000 biennial budget for tourism-related spending and for the proposed centers. Budget amendments were also included to support the expansion of the Historic Rehabilitation Tax Credit to give businesses more flexibility to use income tax credits from rehabilitating historic buildings.

overcrowded schools, higher property taxes, air and water pollution, destruction of wildlife habitat farmland loss, and lifeless inner cities. The ACIR heard that many communities are trying to prevent or arrest such pell-mell growth and view the preservation of open space as critical in this effort, yet they find the costs prohibitive in light of the other financial demands their jurisdictions confront. Because of the importance of the issue statewide, local officials urged the Commonwealth to follow to lead of numerous other states and launch a major open space preservation initiative. The ACIR expressed interest in the proposal but questioned how it might be funded.

Research discloses that other states facing the same challenge have approached it in a variety of different ways. Maryland, for example, won widespread acclaim for its bold Smart Growth Program in 1997, which redefined the State's fiscal policies to ensure that State funding for infrastructure did not contribute to additional sprawl or to further destruction of open space but instead provided incentives for building in suitable areas.<sup>25</sup> To meet these goals, Maryland identified Priority Funding Areas coterminous with the boundaries of existing population centers and restricted grants for roads, schools, sewers, and other infrastructure to these designated areas.<sup>26</sup> Although development is allowed outside the Priority Funding Areas, State funds may not be used to subsidize it. A companion initiative, the Rural Legacy Areas Program, offers grants for local governments and private land trusts to protect forests, open space, and agricultural land through the purchase of property and of conservation easements. The goal of the program is to conserve up to 200,000 acres by the year 2011.<sup>27</sup> Funded by general obligation bonds, Rural Legacy Areas grants are expected to total between \$71 million and \$154 million over a period of five years. As of January 1999, 19,000 acres had been protected at a cost of \$38 million.<sup>28</sup>

In addition to reordering fiscal priorities, states have relied on a variety of other funding mechanisms for programs to preserve open space. One of the most common is long-term general obligation bonds, which are typically used to pay for capital infrastructure with a life expectancy of a period of years. These bonds are backed by the full faith and credit of the government and therefore have the lowest interest rate, but a referendum is generally required for approval. In 1998, voters in Michigan approved a \$675 million Clean Michigan Initiative general obligation

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<sup>25</sup>See "Smart Growth Fact Sheet," Maryland Office of Planning. Note that although the Smart Growth Program has been widely praised, it has also received some criticism. Counties in Maryland opposed the measure as a threat to local land use control. In addition, environmentalists objected to a provision that allows counties to name additional Priority Funding Areas. See Rob Gurwitt, "The State vs. Sprawl," *Governing* (January 1999) p. 20. (Hereafter, "State vs. Sprawl.")

<sup>26</sup>All existing localities were automatically given such designation when the program took effect.

<sup>27</sup>John W. Frece, "Lessons from Next Door: 'Smart Growth' in Maryland," *Planning in Virginia*, 1997, p. 14. (Hereafter, "Lessons from Next Door.")

<sup>28</sup>"State vs. Sprawl," p. 20. See also "Lessons from Next Door," p. 11.

bond for open space and other environmental protection projects.<sup>29</sup> The debt costs of the new program will be paid through annual appropriations. Similarly, voters in Rhode Island passed a \$15 million bond to protect farmland and to acquire land for bikeways, greenways, and parks. In addition, Rhode Island's governor has promoted a \$50 million bond issue to fund open space acquisition of 35,000 acres by 2010, which will be on the ballot in that state in 2000.<sup>30</sup>

Pay-as-you-go funding is an alternative approach states have used for open space preservation programs. This mechanism provides on-going support from a dedicated revenue source such as the property or sales tax or lottery funds. The advantages to this approach are that this kind of financing does not constitute debt and it also facilitates multi-year planning. However, it must be appropriated annually and therefore regularly competes with other needs. Some state constitutions allow these funds to be maintained in a trust account, however, which eliminates the requirement for annual appropriations. Voters in Arizona in 1998 approved a constitutional amendment authorizing a pay-as-you-go appropriation of \$220 million for eleven years for the purchase of easements and fee simple acquisition of environmentally sensitive land. In the same year voters in Minnesota passed a 25-year extension of that state's Environment and Natural Resources Trust Fund, which creates an endowment to support open space preservation and numerous other environmental projects. New Jersey voters also approved a measure that year to set aside existing sales tax revenues to help purchase approximately half the State's remaining undeveloped land to preserve as open space. At the same time, voters there approved bonding the annual set-aside to help secure a \$1 billion fund for the purchases.<sup>31</sup>

Throughout the country, open space preservation measures won the support of lawmakers and voters in state after state in 1998.<sup>32</sup> For example, in response to a Pennsylvania commission's finding that sprawl was the most critical issue facing that state as it entered the 21st century, the governor announced plans to redirect State funds in the current budget to increase spending by \$1.3 billion over the next five years for open space preservation and watershed protection programs. He also proposed new requirements for local infrastructure improvement grants to give priority to those localities that practice sound land use management by redeveloping urban areas

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<sup>29</sup>Information available at <http://www.brook.edu/es/urban/myers.pdf>.

<sup>30</sup>Information available at <http://www.brook.edu/es/urban/myers.pdf>.

<sup>31</sup>See "N. J. voters say yes to open space," available at [www.bergen.com/news/2sopenvot199811042.htm](http://www.bergen.com/news/2sopenvot199811042.htm).

<sup>32</sup>The issue has also claimed attention at the federal level. The Clinton administration recently announced two programs that together total \$11 billion to protect open space and promote sensible growth. The first of these, the Livability Agenda, includes a \$700 million bond program to help communities raise funds for open space, smart growth strategies, and other environmental projects. The program's proposed Better America Bonds would provide tax credits to investors, rather than interest, and are expected to leverage approximately \$9.5 billion in state and local spending authority. The second proposal, the Lands Legacy, is designed to help state and local governments and nonprofit organizations purchase or otherwise protect open space by providing an additional \$1 billion for existing programs, which would represent the largest one-year land preservation investment in U. S. history. Priority for the award of Land Legacy grants would be given to proposals consistent with smart growth strategies.

and protecting open space.<sup>33</sup> Georgia passed a real estate transfer tax increase in 1998 to establish a \$36 million conservation fund, and Florida voters approved a constitutional amendment to extend permanently state authority to issue revenue bonds for land acquisition and recreation improvements.<sup>34</sup>

Virginia also made strides in 1999 to address open space preservation concerns at the State level.<sup>35</sup> The legislature passed a bill recommended by the Commission on the Future of Virginia's Environment to provide matching fund grants to localities and nonprofit organizations under the auspices of the Virginia Land Conservation Foundation (formerly the Virginia Conservation and Recreation Foundation) for the purchase of open space, farmland and forests, parks and natural areas, and historic resources.<sup>36</sup> An appropriation of \$1.75 million was provided for the program. Another bill enacted by the legislature authorized tax increment financing of real estate devoted to open space, as did a measure exempting capital gains on the sale of land or easements for open space use. The General Assembly also passed legislation permitting public recreational facilities authorities to undertake land conservation projects.<sup>37</sup> However, a bill that would have authorized a \$111 million bond referendum to protect open space was defeated.<sup>38</sup> Furthermore, no major growth management legislation passed.

In addition, funds were appropriated for several related initiatives. Among these was \$3.8 million to initiate a state/federal partnership program to reserve land for riparian buffers under the Conservation Reserve Enhancement Program administered by the Department of Conservation and Recreation. The next phase in the Virginia Outdoors Plan was also funded and an additional \$400,000 was appropriated for the Open Space Lands Preservation Trust Fund, which provides financial assistance to landowners who donate conservation easements to the Virginia Outdoors Fund.

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<sup>33</sup>See "PA budget promotes watershed, open spaces, discourages sprawl," *Bay Journal*, (March 1999), p. 7.

<sup>34</sup>Information available at <http://www.brook.edu/es/urban/myers.pdf>.

<sup>35</sup>According to a recent telephone public opinion poll of 805 adult Virginians, 59% of those interviewed responded that the loss of open space is a problem the State should try to prevent. A 53% majority also supported growth management to avert problems caused by new development. See Rex Springston, "Urban sprawl growing issue," *Richmond Times-Dispatch*, January 7, 1999. Note that these results corroborate a 1990 telephone poll of 842 Adult Virginians which disclosed overwhelming support for a statewide growth management policy and for increased funding for protection and preservation of Virginia's natural resources. Survey Report, "Attitudes of Virginians Regarding Growth and Development," (Mason Dixon Opinion Research, Inc.), May 30, 1990.

<sup>36</sup>See House Bill 1747 and Senate Bill 1304.

<sup>37</sup>House Bill 1877 and Senate Bill 1221; Senate Bill 1222; House Bill 1878 and Senate Bill 1219.

<sup>38</sup>House Bill 2493.

In addition to these efforts, two new programs will promote the preservation of open space in Virginia, even though they were established primarily for other purposes. One is a program to recreate thousands of acres of wetlands and woodlands from land that had been cleared and drained years earlier. This program was developed by the Department of Conservation and Recreation and will be supported by a combination of State, federal, and private funds and will primarily benefit land in the Chesapeake Bay watershed and in the Southside region. The State will provide more than \$22 million as incentives for farmers and other landowners to restore the land and to preserve it for at least fifteen years in an effort to achieve the State's water quality goals.<sup>39</sup> The other program is a first-of-its kind federal timber bank, analogous to a commercial bank, in Virginia's Clinch Valley region that will give owners of forested land an incentive to maintain it according to sustainable development principles rather than possibly overharvesting it for private economic gain. Through this innovative program, eligible landowners will voluntarily deposit their timber rights into the bank and receive in exchange an annual income based on the value of the timber they deposited. The bank then will have the right to grow, manage, and harvest the trees in an ecologically sound manner. Landowners may continue to use the property for other appropriate purposes, but only the bank would be entitled to harvest the trees.<sup>40</sup>

Evidence shows that despite its many detractors, "sprawl development" has a strong market for a variety of reasons. As a result, open space is likely to remain under threat until decisive action is taken to preserve it. Models for various approaches to the funding of open space programs are readily available. However, the success of such efforts may also depend on educating lawmakers, administrators, and the public about the need for action. Otherwise, public officials may continue to view new sprawl development as a means of financing the fiscal needs of localities. Such officials may also continue inadvertently to provide incentives for sprawl by making poor choices about zoning or service provision, such as the extension of sewer lines. Similarly, research shows that State and federal officials may encourage run-away growth through decisions they make about transportation needs, such as whether to allocate funds for highways or other modes of transit, where to locate new highways, whether to widen or otherwise rebuild existing roads, and whether to add bridges and tunnels. Without a statewide land use plan to guide decisions of this kind, Virginia will likely continue to address open space loss and other problems related to sprawl piecemeal, with some public officials dedicating themselves to preventing the problem but with others unknowingly contributing to it. Moreover, the lack of legal enforceability of local comprehensive plans in Virginia leaves the Commonwealth with little leverage of the kind that localities in other states have used to influence local decision-making. State incentive grants which give priority to localities that have adopted growth management plans may be a viable option. However, a statewide open space preservation program would also seem to be advisable and can be expected to garner public support according to recent polls. Because the issue of open space preservation is now in the national spotlight, the time may be right to create such a program. Missing this opportunity could have an irrevocable effect on the State's natural landscape, its economy, and the quality of life of Virginia's citizens.

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<sup>39</sup>See "Program offers farmers cash for turning cropland into wetland," *Richmond-Times Dispatch*, April 10, 1999.

<sup>40</sup>Information available at [www.house.gov/boucher/docs/tvatree.htm](http://www.house.gov/boucher/docs/tvatree.htm).

## CONCLUSION

This study's interim report cited research which indicates that the urge to experience beauty in one's surroundings is a universal human need. For example, the report quoted physiological and psychological studies which showed that beautiful views can induce measurable improvements in one's health and sense of well-being. It also cited independent polls conducted in Virginia, in other parts of this country, and even overseas which indicate that people of diverse cultures and backgrounds all place a premium on being able to live in and visit areas of natural and scenic beauty, as well as parks, gardens, and other attractively cultivated or landscaped settings. The report underscored the fact that individuals interviewed for such surveys typically rank access to such beauty as one of the most important factors contributing to their quality of life. The public policy implications of this research merit far more attention than the subject has received in the past.

Clearly, the quality of the visual environment has a profound effect on the human psyche. Therefore, it should come as no surprise that community appearance can also have a significant effect on the vitality of communities. In fact, the interim report documented evidence that efforts to preserve and enhance community aesthetics can strengthen local and State economies through increased tourist spending, higher property values, additional business relocations, and other positive outcomes. Since Virginia has such an abundance of natural, historic, and cultural resources, these research results have particular significance for communities here.

Yet Virginia may not be taking advantage of the many opportunities it has to capitalize on its wealth of aesthetic resources. Some localities have argued that State policies affecting visual quality are too restrictive, causing unnecessary problems as communities endeavor to preserve and enhance their visual assets. If so, broadening local authority to allow the regulation of aesthetics as an independent basis for local action would seem to be advisable. The State may also be overlooking opportunities to establish statewide programs to protect and improve State and local aesthetics. Programs could be developed, for example, to help localities control light pollution, to establish statewide certified heritage tourism areas, and to provide significant funding for open space preservation. Other states have taken the lead in all of these areas, while Virginia faces many of the same challenges and has many, if not more, of the same opportunities they do.

Dozens of localities in Virginia have taken such needs seriously and have made significant progress to protect and enhance the visual quality of their communities with the tools they have. They serve as models for others. In addition, though, a great deal remains to be done. Unless State and local leaders take positive action to preserve and enhance many of Virginia's cultural, historic, and natural assets, they could be lost forever. Because these are the same resources that play such a significant part in defining the distinctive character and charm of the Commonwealth, the price all Virginians would pay for such a sacrifice could be greater than we can measure.





## PART TWO

### PROFILES OF SELECTED LOCALITIES

Listed below are abstracts of selected Virginia localities with information about certain programs and tools these communities have used to protect and improve the visual environment and the vitality of their communities. It should be emphasized that this listing is not intended to be exhaustive. Instead, an effort has been made to highlight an array of relevant programs from localities selected by type, population size, region, and urban, rural, or suburban character. Readers interested in acquiring more information about any of these initiatives are encouraged to call or write the planning department of the particular locality. Information for this purpose is given following each locality profile.

It is also important to note that the information listed below was derived primarily from the localities' comprehensive plans and related documents. These publications were selected as source materials for several reasons. First, every locality in Virginia is required to adopt a comprehensive plan and to review it at least once every five years.<sup>1</sup> As a result, these publications can serve as compilations of up-to-date information for localities. In addition, comprehensive plans provide an overview of both current and future land uses for an entire jurisdiction and thus offer a snapshot not only of its existing physical characteristics but also of its proposed development, suggesting the contours of its future visual environment. Finally, comprehensive plans have legal effect as guides for local decision-making in specific land use matters. Thus where localities expressly state their policies and goals for particular aspects of land use management in the plans, these statements of local intent are not merely aspirational but have weight as practical guidelines.

#### 1. Albemarle County

**Description.** Situated in the foothills of the Blue Ridge Mountains, Albemarle County's 740 square miles surround the City of Charlottesville, incorporating scenic terrain that ranges from the rolling hills of the Piedmont to mountain peaks of the Blue Ridge. The County enjoys a rich heritage as the birthplace and home of Thomas Jefferson and the home of James Monroe. With these advantages and the cultural benefits provided by the neighboring University of Virginia, Albemarle County offers a rare blend of rich historic and cultural resources, urban amenities, and abundant natural beauty. It is also thriving economically. Its work force is both highly skilled and well educated with an unemployment rate significantly below national and state averages.<sup>2</sup> In 1997 the population was estimated to be 80,000, and the County is continuing to grow at a rate of

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<sup>1</sup>Virginia Code §§ 15.2-2223 and 15.2-2230. Note, however, that because no State agency is charged with oversight of this mandate, the quality of comprehensive plans may vary markedly from one jurisdiction to another.

<sup>2</sup> "Information Sheet," County of Albemarle Department of Planning and Community Development (undated).

approximately 2 % per year.<sup>3</sup>

**Policy.** Albemarle County's twenty-year comprehensive plan was adopted in 1989. A major focus is growth management, which the County implements primarily by restricting development in rural areas. The comprehensive plan also foreshadowed the development of an open space plan, which the County adopted in 1992. Four years later the County approved the *County of Albemarle Land Use Plan*, a second major component of the Comprehensive Plan. All of these documents emphasize that the County places the highest priority on protecting its natural resources and community character.<sup>4</sup> On March 3, 1999, a new section was added to the comprehensive plan entitled, "Natural Resources and Cultural Assets." This addition incorporates the policy and goals of the previous plans and also stresses the importance of protecting the County's overall environment to maintain and improve quality of life, economic stability, and the health and well-being of the County's citizens. Specifically, the new section addresses issues such as sustainability; the protection of agricultural and forestry resources, mountains, dark sky, and other scenic and historic resources; and the development of greenways.

### **Growth Management**

**Rural and Development Areas.** Albemarle County's comprehensive plan expressly divides the locality into rural and growth areas and establishes guidelines for each category. In the rural areas, development is strictly limited in order to preserve the rural character of those portions of the community. The County's policy is not to extend water or sewer lines to those areas or to improve secondary roads there. In addition, the list of by-right and special uses is limited to agriculture and the preservation of environmental, scenic, and historic resources.<sup>5</sup> By contrast, planning for the growth areas includes anticipated public investment in infrastructure and schools. The *Land Use Plan* further encourages infill development by increasing densities in the designated development areas.<sup>6</sup>

**Development Areas Initiative Project.** As part of the County's growth management effort, in 1998 the Board of Supervisors launched the Development Areas Initiative Project, a participatory program of county-wide meetings designed to solicit citizens' views about the quality and design of future development in growth areas and their ideas about how such new development should

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<sup>3</sup>*Ibid.*

<sup>4</sup>See, for example, *County of Albemarle Land Use Plan*, p. 3 ("The County's primary growth management goal directs development into designated areas and conserves the balance of the county for rural areas and resource protection. Resource protection is the basic theme behind the County's growth management approach.").

<sup>5</sup>"Bringing Smart Growth and New Urbanism Together: Albemarle County," *VAPA Newsbrief* (Virginia Chapter of the American Planning Association), v. 18, n. 6, November–December 1997, p. 8. (Hereafter, "Smart Growth: Albemarle County.")

<sup>6</sup>"Smart Growth: Albemarle County," p. 8.

relate to existing neighborhoods and commercial centers. The Board of Supervisors appointed the twenty-three member Development Areas Initiative Steering Committee (DISC) to assist in this endeavor. Working with a consulting firm, County staff, residents and others have been working to develop recommendations about how new growth should take place. A plan to guide future development of neighborhoods and to guide changes in zoning and subdivision ordinances is expected to be the end result.<sup>7</sup>

### **Preservation of Agriculture, Forestry, and Other Natural Resources**

Use Value Assessment Program. This program gives property owners an incentive to preserve their rural land, advancing to the County's goal of reducing development pressures and maintaining the rural character of those areas. Eligible landowners receive real estate tax deferrals based on reduced assessments of the less intensively used land.<sup>8</sup>

Agricultural and Forestal Districts Program. The County also gives tax benefits to landowners who volunteer to enroll in an agricultural/forest district for a period of up to ten years. State agencies such as the Virginia Department of Highways and others are restricted from developing on protected land during the period of time designated in the applicable agreement. In 1998, 57,550 acres were enrolled in 22 districts in the County.<sup>9</sup>

Conservation of Open Space Easements Program. Through this program eligible landowners may donate an interest in their real property to various County entities such as the Albemarle County Recreation Facilities Authority to protect open space in perpetuity. Each landowner must negotiate a separate agreement with representatives of the entity. Once an easement is in effect, the value of the land decreases qualifying property owners for substantial reductions in their federal and State income and estate taxes. To date the program has helped the County acquire easements on approximately 20,000 acres of open space.<sup>10</sup>

Purchase of Development Rights Program. Under this program, the County will buy conservation easements from landowners to protect their land in perpetuity from development.<sup>11</sup> Property owners benefit because the land is taxed at a lower rate once it is subject to the easement and because they can help maintain their property as agricultural land or open space for future generations. The County benefits because the easements it holds help it meet its goals of maintaining rural character, scenic views, and an overall quality visual environment.

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<sup>7</sup>"Smart Growth: Albemarle County," p. 8.

<sup>8</sup>Comprehensive Plan, p. 70.

<sup>9</sup>Comprehensive Plan, p. 70.

<sup>10</sup>Comprehensive Plan, p. 71.

<sup>11</sup>Comprehensive Plan, p. 71.

**Mountain Protection.** In order to protect the County's mountainous areas from inappropriate development, officials have adopted the Mountain Protection Plan, which includes the following three major recommendations:

**Mountain Overlay District.** Critical areas of the mountain should be identified with recommendations addressing health and safety and control of development. This overlay district has become an amendment to the zoning ordinance and can be found as an appendix to the 1996 Comprehensive Plan.

**Lighting Ordinance.** The Plan has also calls for specific kinds of shielding for exterior light fixtures on the Mountain to protect the area's dark night sky.

**Additional Planning Tools.** The Mountain Protection Plan also contemplates a more systematic resource protection plan to include such tools as brochures to explain design recommendations for mountain areas; an inventory of the County's natural heritage so that property owners, planners, and County staff will be informed; promotion of the Land Use Assessment Tax program; implementation of a Purchase of Development Rights (PDR) program similar to the Agricultural Reserve Program (ARP) in Virginia Beach; and change in large lot division minimum requirements from 21 acres to 42 acres to reduce fragmentation of habitats and viable landscape resources.<sup>12</sup>

**Preservation of the Dark Night Sky.** In September 1996 the Board of Supervisors adopted the Resolution of Intent as an amendment to the zoning ordinance to protect the night sky by controlling light pollution.<sup>13</sup> Four specific objectives were included: reduction of light pollution, promotion of lighting efficiency, safety and security, and protection of the McCormick and Fan Mountain Observatories in the interest of scientific research, public education and future economic development opportunities. The ordinance was adopted on August 12, 1998 and is to be reviewed annually.

**Scenic Resources.** County officials recognize that scenic resources contribute to the community's desirability as a place to live, enhance and protect property values, and contribute to citizens' quality of life.<sup>14</sup> To preserve scenic resources, officials have included regulations throughout the zoning ordinance in sections addressing roads, streams, agricultural and forest land. Entrance corridors have design review by an Architectural Review Board.

**Signage.** New billboards are prohibited by the County's sign ordinance, which was first adopted in 1969 and was reenacted on July 8, 1992.

**Historic Preservation.** In a 1994 resident survey, respondents rated the preservation of historic buildings and other sites as tenth out of twenty-five long-term goals for the County. The following year, the Board of Supervisors appointed the Historic Preservation Committee which

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<sup>12</sup>Comprehensive Plan, pp. 22-24.

<sup>13</sup>Comprehensive Plan, p. 94.

<sup>14</sup>Comprehensive Plan, p. 102.

developed a preservation plan and made recommendations for a regulatory ordinance.

The preservation plan serves as a “framework for public involvement in protecting the community’s historic resources.” This formal document describes the historical context, states policies, and recommends a variety of protective measures for these historic resources. The County’s policy is that historic resource protection will “safeguard the economic value of private land in the community by lowering the risk that actions of individual property owners will cause a substantial decline of other owners’ property values.” The County also recognizes that historic resources attract tourists. In 1994, for example, tourism contributed \$109 million to the local economy.

The County’s preservation plan includes numerous recommendations for preserving historic areas, including:

Consistency. Link the plan to the Comprehensive Plan;

Overlay Zones. Adopt historic overlay zoning regulations consistent with the Comprehensive Plan’s goal to protect historic resources;

Education. Develop educational programs within the school system, adult education, community, neighborhoods, and local events;

Incentive Programs. Create local preservation incentive programs such as a revolving loan program or a partial local real estate tax exemption;

Archaeological Survey. Conduct a survey of historic areas to determine their potential archaeological value;

Historic Districts. Designate historic districts;

Review Board. Expand the role of the existing Review Board;

Preservation Program. Implement a Preservation Program;

Specific Viewsheds. Protect the Monticello Viewshed;

Demolition Control. Enact legislation to discourage demolition;

Maintenance. Encourage at least minimum maintenance of historic properties;

Public Role. Establish public sector responsibility for historic districts;

Heritage Tourism. Explore the concept of heritage tourism and developing heritage areas.

**Open Space.** The Open Space Plan was adopted in July 1992 to “protect the County’s open space for its environmental, aesthetic, cultural, agricultural/forestal and recreational value.”<sup>15</sup> The Open Space Plan serves as a guide to integrate preservation plans for natural, scenic, historic and agricultural/forestal resources. It includes scale maps which identify significant resources for protection in both development areas and in rural areas. The plan also includes the Critical Resource Inventory, a study of rural area resources, and the Conservation Easement Program and Public Lands, which catalogues open space in public access and recreation areas.<sup>16</sup>

**Greenways.** County officials have proposed a 52-mile greenway trail along streams and rivers from Albemarle County to the City of Charlottesville. The plan’s recommendations include conservation, recreation, transportation, and education considerations for the area and are found in the Land Use Plan of the Comprehensive Plan, the Open Space Plan, the Critical Resources Plan and the Neighborhood Plan. Although the planning phase has been completed and construction of the trail has begun, the project is expected to be under development for the next 50 years.<sup>17</sup> Officials have recommended the following strategies to ensure the success of the greenway trail:

**Greenways Advisory Committee.** Establish a greenway advisory committee to assist the Planning and Community Development Department with design, implementation, promotion, and maintenance of the greenway. Also, work with private agencies and other governmental agencies.

**Guidelines.** Establish guidelines that designate trail types, locations, design features, access points and facilities.

**Rails-to-Trails Plan.** Establish biking, jogging and pedestrian alternatives for railroad rights-of-way if any line is abandoned.

**New Pedestrian Trails.** Establish pedestrian trails along public roads and mountain areas.

**Connections to Existing Trails.** Include existing road traces and trails.

**Test Greenways.** Implement two test greenways that are accessible as well as easy to implement.

**Development Community Participation.** Encourage developers to contribute to the greenways process by dedicating land, donating easements or funds, or constructing a portion of the trail.

**Donations from Landowners.** Encourage individuals who own land along the trail to donate the property or easements.

**Landowner Guidelines.** Establish methods of safety and maintenance for property owners.

**Funding.** Seek private land donations; encourage annual funding from the County’s Capital

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<sup>15</sup>Comprehensive Plan, p. 120.

<sup>16</sup>Comprehensive Plan, p. 121.

<sup>17</sup>Comprehensive Plan, p. 125.

Improvement Program for land acquisition and development; obtain private, federal and State funding; and consider conducting a fund raising campaign.

**Maintenance.** Assign maintenance responsibilities to the Parks and Recreation Department.

**Community Support.** Rally the community for general support and participation in coordinated volunteer programs.

**Public Awareness.** Encourage public involvement in the planning and development.

**Education.** Inform and educate the public about opportunities the greenway offers.

**Promotion.** Call on the Advisory Committee to promote the greenway.

**Contact Information.** For additional information, call or write:

Planning Department  
401 McIntire Road  
Charlottesville, VA 22902  
804/296-5823

## 2. Chesterfield County

**Description.** Chesterfield County is a relatively affluent suburban locality located in east-central Virginia to the south and west of Richmond. In area it is the largest jurisdiction in the Richmond–Petersburg metropolitan region, encompassing 446 square miles. Its terrain ranges from gentle to steep slopes, which are primarily along river and stream banks. Traces of the County’s rural past are evident in the hardwood and pine forests, tree-lined roads, streams, rivers, historic homes, and occasional farmsteads that grace its landscape. However, rapid expansion in the 1970s and 1980s took a toll, eradicating some of the County’s unique features and replacing them with strip shopping centers, standardized subdivisions, and other manifestations of unplanned growth. In this respect Chesterfield County resembles many rapidly expanding communities throughout the country. In 1970 the County’s population was 76,800. By 1998 it had more than tripled in size to approximately 254,000 and was continuing to increase at a rate of approximately 1.6%.<sup>18</sup> The County’s economy has continued to expand, as well, adding new businesses, for example, at a rate of 3.66% in 1996.<sup>19</sup> As of January 1998 the unemployment rate was only 2.5%.<sup>20</sup>

**Policy.** Between 1983 and 1987 Chesterfield County adopted five county area plans that subsequently formed the core of its current comprehensive plan. Since then the County has added

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<sup>18</sup>Information available at [www.co.chesterfield.va.us/](http://www.co.chesterfield.va.us/).

<sup>19</sup>Information available at [www.co.chesterfield.va.us/sites/economicstrends.htm](http://www.co.chesterfield.va.us/sites/economicstrends.htm).

<sup>20</sup>*The Plan for Chesterfield*, Chesterfield County Planning Department, 1998 update, p. 14. (Hereafter, *The Plan for Chesterfield*.)

other sections analyzing economic development, environmental issues, public facility needs, historic preservation, and other concerns.<sup>21</sup> A major component of the County's comprehensive plan is the land use plan, which stresses the need to preserve the County's rural character and to create and protect special places within the community.<sup>22</sup> To meet these needs, the County adopted major planning objectives for orderly development, the preservation and enhancement of aesthetics and natural resources, sustainable development, redevelopment and revitalization, historic preservation, and sound planning and community involvement.<sup>23</sup>

**Planned Growth Areas.** A key feature of the County's current planning strategy, found in recent amendments of the comprehensive plan, is an effort to direct development to planned growth areas within the locality. To accomplish this aim, the plan distinguishes among areas appropriate for infill and redevelopment, those appropriate for new development, and those appropriate for development in the future. It further differentiates among these areas by specifying the kinds of urban services appropriate for each. In exurban residential areas, for example, the plan prohibits subdivisions and lots under five acres, but in areas closer to urban centers where subdivisions are permitted, it calls for developer-financed public water and sewer lines to promote more compact development. In addition, standards for the latter areas specify modified grid networks of arterial roads and systems of pedestrian pathways. Commercial land uses such as office, retail and light industrial development are directed primarily into mixed-use activity centers in central locations to discourage new suburban strip shopping center development.<sup>24</sup>

**Chester Village Plan.** One example of Chesterfield County's effort to prevent its continuing growth from further eroding the visual quality and community vitality is the Chester Village Plan, which was adopted in 1989. The objectives of this plan are to preserve the small town character and scale of Chester's community center, which has long been defined by churches, schools and other public buildings set in a tranquil, rural environment. The County's design standards for the area require new structures to be architecturally compatible with existing ones and additional streets to maintain traditional street patterns and setbacks. A proposal to develop a new village center adjacent to the community's commercial core was also included in the Chester Village Plan. Following these guidelines, local developers initiated the Chester Village Green project designed according to neotraditional principles with 300 single-family homes on 85 acres all situated within a short walk of a village green and shops, offices, restaurants, a public library, and a post office.<sup>25</sup>

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<sup>21</sup>Information available at [www.co.chesterfield.va.us/CommunityDevelopment/planning/sumplan.htm](http://www.co.chesterfield.va.us/CommunityDevelopment/planning/sumplan.htm).

<sup>22</sup>See Thomas Jacobson, "Suburban Design: One Step at a Time," *Planning*, May 1998, pp. 11–12. (Hereafter, "One Step at a Time.")

<sup>23</sup>Information available at [www.co.chesterfield.va.us/CommunityDevelopment/planning/guide.htm](http://www.co.chesterfield.va.us/CommunityDevelopment/planning/guide.htm)

<sup>24</sup>"One Step at a Time," p. 11.

<sup>25</sup>"One Step at a Time," p. 11.



**Design Standard Manual.** To promote quality development throughout the County and to protect the appearance of existing highway corridors, villages, and special areas, the Chesterfield County Planning Department publishes a guide called the *Design Standards Manual* for developers of nonresidential sites. The manual is organized for ease of reference with sections that clarify both county-wide and area-specific criteria and includes photographs, drawings, tables, maps, and text which explain the technical requirements of the County's zoning ordinance. Detailed specifications are given for setbacks, architectural compatibility, building heights, signage, landscaping, exterior lighting, and underground utilities as well as for numerous other land use elements.

**Inventory of Visual Resources.** In 1992 the County compiled an inventory of certain historic and otherwise noteworthy structures as well as visually distinctive land areas which it determined were valuable visual resources that should be preserved or enhanced. To create this inventory the County enlisted the aid of a citizens' organization called the Southern and Western Citizen Advisory Committee. This group helped County officials prepare and administer a survey to determine which features of the landscape County residents deemed especially significant visual resources. In addition, County officials researched existing maps and literature, met with representative of the Virginia Department of Conservation and Recreation, conducted field surveys, and took aerial photographs. These efforts culminated in the publication of the *Visual Resources of the Southern and Western Area*, which analyzes the visual character of various types of land areas in the County and provides maps, photographs, definitions, and other information to document the significance of each.

**Contact Information.** For additional information, call or write:

Planning Department  
P. O. Box 40  
Chesterfield, VA 23832  
804/748-1050

### **3. Herndon**

**Description.** Approximately twenty minutes from Washington, D. C., the Town of Herndon occupies 4.2 square miles of mostly low, gently rolling hills in northwest Fairfax County. Until the 1960s Herndon was a quiet dairy farming community and a country vacation destination for city dwellers arriving by train. However, as roads improved and suburban development began to encroach, Herndon experienced dramatic changes. Its population burgeoned from approximately 11,450 in 1980 to 16,150 by 1990. Seven years later, the total was estimated to be 19,560. During this high-growth period, businesses were attracted to the Town in greater numbers, as well, transforming the community into a business and employment center. As development pressure mounted, Herndon's small town character and natural and historic resources came increasingly under threat.

**Policy.** In 1990 Herndon adopted the *2010 Comprehensive Plan*, which clearly states that the Town's overriding goals are to preserve its small town character and its distinctive natural and historic features. To achieve these goals the Town identified numerous specific objectives, including the following:

**Small Town Atmosphere.** To protect the small town atmosphere of Herndon;

**Quality of Life.** To manage the effects of development to protect and enhance the Town's quality of life;

**Unique Identity.** To establish a unique identity which sets the Town apart from its suburban surroundings;

**Orderly Development.** To maintain orderly development and compatible land uses along the Town's boundary;

**Harmonious Design.** To promote harmonious design;

**Natural Environment.** To work toward a balance between the natural and built environments;

**Conservation.** To seek conservation and reclamation of natural resources within the Town;

**Transportation Systems.** To design needed transportation system improvements consistent with the Town's small size and urban character.

**Heritage.** To preserve the historical, cultural, and architectural heritage of the Town by protecting the historic resources of the Town for future generations.

**Green Streets Program.** The Town has adopted a Green Streets Overlay policy "to increase the imaginative planting of trees, shrubs and other plants and the use of creative, practical ground treatments along highly visible routes."<sup>26</sup> Green Street corridors offer an enhanced landscape design by creating visual buffers. As part of this program, the Town has established evaluation guidelines for landscaping buffers and right-of-way improvements.

**Urban Forestry.** In addition, the Town has established broad program for planting and preserving trees with objectives that include protecting heritage trees, providing guidelines for homeowners, reviewing treatment regulations for indigenous trees on site plans, guidelines for tree treatment during development, among others.

**Redevelopment and Infill Guidelines.** As part of its comprehensive plan, the Town has adopted redevelopment and infill guidelines to ensure compatible design for adjoining properties, neighborhoods, and streets. The guidelines affect streetscapes, landscape screening and buffering, site design, and street standards in areas under consideration for redevelopment. Their purpose is to improve the Town's economy, atmosphere, and safety by promoting a quality visual environment.

**Heritage Preservation.** In 1987, after having conducted an historic preservation district survey, the Town joined the Certified Local Government Program through the Virginia Department of Historical Resources. Thereafter, the Town adopted a Heritage Preservation Plan to protect the historical resources for future generations. It has four specific objectives: to develop a comprehensive, coordinated planning process for managing heritage resources over a five-year period, to link heritage preservation to the Town's Capital Improvements Program and annual

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<sup>26</sup>Comprehensive Plan, p. 25.

budget, to encourage Town-wide preservation, and to ensure appropriate rehabilitation and infill development in heritage preservation districts. A Heritage Preservation Review Board was established in 1989 to review applications for the alteration, restoration, reconstruction, relocation or demolition of structures within heritage areas.

**Village Streets Overlay Policy.** The Village Streets Overlay Program has three principal objectives: attractive visual continuity along designated streets to reflect a strong sense of heritage and a sense of community; a safe, comfortable, and aesthetically pleasing pedestrian environment that promotes economic and cultural activities; and guidelines and minimum standards for appropriate development in public rights-of-way and other public spaces as well as a context for private property development. The design concept joins streetscape elements and furnishings to create diverse forms and functions within the village street area and relies on the principles of unity and flexibility. The policy specifies requirements for village street design elements such as paving, lighting, landscaping, and street furnishings.

**Contact Information.** For additional information, call or write

Community Development  
777 Lynn Street  
Herndon, VA 20170  
703/787-7380

#### 4. Roanoke

**Description.** Set in a broad valley between the Blue Ridge Mountains and the Virginia Allegheny Highlands, Roanoke is the largest city in western Virginia. Its 43 square miles of varied terrain range from floodplains to steep mountain slopes renowned for their scenic beauty. The unofficial capital of Southwest Virginia, Roanoke has long served as a transportation hub as well as the region's financial, business, and industrial center.

Today, the City can be described as an energetic community whose historic and cultural attractions help fuel a robust economy. However, this picture of success contrasts sharply with the image the City projected only a decade ago. From the 1880s, when the City was founded, to the 1920s, Roanoke was a boom town, growing rapidly and prospering. However, the City's fortunes began to change at mid-century. By 1985 its population had stabilized at approximately 100,600; by 1997 it had declined to 95,200. Roanoke's problems were similar to those urban centers across the country confronted during this period: the loss of a major industry, a deteriorating downtown, disinvestment in older neighborhoods, crumbling housing stock, the lack of undeveloped land, and competition from growing suburbs. However, beginning in the 1980s, business and community leaders and the public collaborated to revitalize the City and, over a ten-year period, managed to achieve today's impressive results.

**Policy.** The dominant themes of Roanoke's current comprehensive plan, adopted in 1985, are neighborhood preservation, downtown revitalization, economic development, and quality design. Concerning aesthetics, the plan states emphatically that enhancing Roanoke's image as an attractive, vibrant city is its central focus. Since Roanoke is a city of neighborhoods, they are considered fundamental to the City's economic success and high quality of life. The plan also stresses that attractive parks and boulevards are important, because they affect the activity of the

real estate market, the mind of the convention visitor, and the attitudes residents have about their neighborhoods and city. According to the plan, "Roanoke can be a city of trees; it can boast freshly-painted houses and attractive new buildings that relate to the best of their surroundings."<sup>27</sup>

**Downtown Revitalization.** During the 1960s, a group of property owners formed Downtown Roanoke, Inc., an association committed to downtown preservation and revitalization which worked with representatives of the private sector to address problems associated with Roanoke's deteriorating downtown. In 1979, the group helped launch project Design 79, the first problem-solving planning process to include the community. Citizens were invited to a storefront office to give their ideas and opinions about how their downtown should look. Design 79 generated ideas such as the proposal for a major cultural center in the downtown area and recommendations for curb, gutter, sidewalk and street improvements.

Among other outcomes, these efforts resulted in the Center in the Square, which is a cultural center that now has over 400,000 visitors a year, and the renovation of the Farmers' Market, which is on the National Register of Historic Places and has been named one of the Great American Places. In addition, the renovation of the historic Hotel Roanoke has helped boost Roanoke's economy and has contributed to the now vibrant downtown.

In 1980, City Council appointed a Comprehensive Plan Advisory Committee, which worked with the citizen-based Ordinance Review Committee to develop Roanoke Vision. Together, these two committees arranged workshops, public surveys and involved the media in an effort to include citizens in the planning process. The information gathered from the workshops and surveys was used by the planning department and city officials to develop future planning and development recommendations. One significant result was the revision of the zoning ordinance to facilitate quality design in developments and the preservation of neighborhoods. The new provisions called for special overlay zones for historic preservation and design controls, neighborhood conservation, and revised administrative procedures to streamline and coordinate zoning and development review.

**Neighborhood Conservation.** The former zoning ordinance was modeled after a suburban code and was not representative of the existing, older neighborhoods. In addition, many older neighborhoods were rezoned for business in anticipation of urban redevelopment (that never occurred), resulting in more incompatible commercial and industrial development within residential areas. In addition, the demolition of existing houses was more frequent and nonconforming buildings proliferated in historic neighborhoods. To address this problem and preserve the City's historic and cultural resources, a conservation overlay zone was established which had three principal objectives: to preserve historic buildings and cultural sites, to encourage appropriate, compatible development, and to discourage demolition of valuable structures. The City also undertook several new projects including establishment of residential and commercial historic districts and development of a detailed historical and cultural inventory; the implementation of neighborhood plans with a focus on preservation and public participation; implementation of new zoning and land development regulations to promote neighborhood conservation and preservation; the promotion of the City Market as a cultural and tourism center; and the creation of financial

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<sup>27</sup>*Roanoke Vision: Comprehensive Development Plan for Roanoke, Virginia 1985–2005*, p. 81. (Hereafter, *Roanoke Vision*.)

assistance programs to rehabilitate historic buildings.

**Parks and Recreation.** Since its first plan by John Nolen in 1907, the City has advocated landscaped open spaces, neighborhood parks, and greenways along the Roanoke River and its tributaries. In 1980, the City adopted a Parks Master Plan which again encouraged the development and renovation of neighborhood parks and recommended greenway linkages. Preservation and maintenance of open space were included in the plan, as were recommendations for zoning and subdivision regulations to promote increased open space in new residential areas. Roanoke Vision emphasized these recommendations. At present, new greenways are being constructed in the City, parks along the river are assets, and design guidelines have been adopted to guide future development on the City's cherished Mill Mountain – the location of a large neon star. Finally, a new Parks Master Plan is to be completed by the end of 1999, after a year of intensive citizen workshops and direction by a citizen advisory committee.

**Contact Information.** For additional information, call or write:

Department of Planning and Community Development  
Room 166 Municipal Building  
215 Church Avenue, S. W.  
Roanoke, VA 24011  
540/853-2344

## 5. Virginia Beach

**Description.** Endowed with miles of beaches fronting the Atlantic ocean, the City of Virginia Beach in the southeastern corner of the State has the distinction of being Virginia's largest city and the east coast's premier resort community. Its 310 square miles stretch from the Chesapeake Bay to the North Carolina border and vary in character from urban and suburban development to rural countryside and even pristine wilderness. Originally, Virginia Beach was a small agricultural community, but by 1997 its population had surged to approximately 420,000, making it the 27th largest city in the United States. Most of this growth took place during the 1960s but has slowed recently to a more manageable rate.

**Policy.** According to the City's comprehensive plan, what attracts residents and visitors to Virginia Beach is its quality of life: "Our natural environment, our open space and the recreational opportunities...are the keystone of our City."<sup>28</sup> Based on this premise, the major focus of the City's comprehensive plan is environmental protection, preservation of open space, and orderly development.

**Open Space.** Recognizing the importance of open space as a component of quality of life, the City has initiated several programs to restore and protect open space areas in Virginia Beach. These include individual plans for specific areas of the locality such as the Lake Ridge Plan, Princess Ann Corridor Plan, Chesapeake Bay Preservation Act, Owl's Creek Watershed Program, and Southern Watershed Management Program. Tools that have been used to achieve the City's open space objectives include public works standards, a specifications manual, the conditional use

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<sup>28</sup>Comprehensive Plan, p. 30.

permit, conditional rezoning process, and the Historic Review Board. Throughout the planning process, the City has involved members of the general public as well as representatives from the private sector and governmental agencies.

**Natural Resources Plan.** Closely related is the City's plan for preserving and managing its natural resources. The Natural Resources Plan "...provides an overall framework for identifying priorities, and strategies... for cooperative partnerships and citizen involvement."<sup>29</sup> Its purpose is to maintain a higher quality for wildlife and fisheries, ground-water resources, surface water resources, air quality, recycling and reuse, noise management and mitigation, open space, nature-based tourism, environmental education and public outreach, and natural resources. The Plan includes a vision for the protection, enhancement, restoration and management of natural resources, recommendations and specific action steps for implementation.

**Agriculture Reserve Program.** In 1995 the City created a voluntary farmland and cropland protection program unprecedented in Virginia called the Agriculture Reserve Program (ARP). By authorizing the purchase of landowners' development rights through an installment agreement, ARP enables the City to maintain agriculture as a part of its economy, to protect agricultural areas and other environmental resources, to preserve the rural character of those areas, to provide for reasonable development opportunities, and to avoid the need for additional major urban infrastructure. In exchange for relinquishing the right to develop their land, ARP landowners receive a tax free annual interest payment and a final balloon payment after 25 years. At least 20,000 acres of prime farm and forest land are expected to be preserved through this program.

**Public Buildings.** In acknowledgement of the statement that a community's buildings make about a locality, the City has established design standards for its public buildings. The design standards offer consistency for future buildings and promote civic pride. In addition, they provide a model for attractive and well-sited private sector buildings that integrate well into the community. As a further incentive, the City has also established an annual design award program to encourage the private sector to maintain the same high design standards that are set for public buildings.

**Sign Control.** To foster a quality visual environment, the City prohibits the construction of new off-premise signs. As a result, as existing billboards outlive their useful life, such outdoor advertising will be eliminated in time.

**Contact Information.** For additional information, call or write

Planning Department  
Municipal Center, Building 2  
virginia Beach, VA 23456  
757/427-4621

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<sup>29</sup>Comprehensive Plan, p. 184.

# Appendix A

## 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.





# Appendix B

## HOUSE JOINT RESOLUTION NO. 107

*requesting the Virginia Advisory Commission on Intergovernmental Relations to continue the study of state and local efforts to preserve, protect, and promote the aesthetic qualities of the Commonwealth's visual environment and to create a statewide system of recognized and certified heritage areas in order to improve the economy and the quality of life in Virginia.*

Agreed to by the House of Delegates, March 12, 1998

Agreed to by the Senate, March 11, 1998

WHEREAS, the Virginia Advisory Commission on Intergovernmental Relations is proceeding with its study of the state and local efforts to preserve and protect the extraordinary aesthetic attributes which contribute to the high quality of the Commonwealth's visual environment; and

WHEREAS, Virginia's natural beauty, its distinctive architecture, and its many historic areas are major components of these aesthetic attributes; and

WHEREAS, the Commission has received testimony from individual citizens and from representatives of local governments, professional associations, and civic groups expressing the urgent need to maintain a quality visual environment as an important state and local resource; and

WHEREAS, the aesthetic attributes of the Commonwealth's visual environment are largely responsible for unprecedented travel-related spending in Virginia, which in 1996 was estimated to have reached \$10.5 billion; and

WHEREAS, the Commission is studying the feasibility of creating a statewide system of recognized and certified heritage areas to provide further educational, inspirational, economic, and recreational benefits for the citizens of the Commonwealth and its visitors; and

WHEREAS, businesses considering relocation to Virginia have reported that the quality of the visual environment ranks as one of their highest priorities and is therefore critical to attracting new businesses to the Commonwealth; and

WHEREAS, state and local efforts to enhance and protect the quality of the visual environment can significantly increase property values and taxes, as well as provide other economic development benefits for the Commonwealth and its localities; and

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

WHEREAS, public consciousness of the significance of the visual environment to the Commonwealth's economic future and to the psychological well-being of our residents is indispensable for the preservation of these resources; and

WHEREAS, the continued protection of the Commonwealth's visual qualities requires the collaboration of state agencies, local governments, 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 continue the study of state and local efforts to preserve, protect, and promote the aesthetic qualities of the Commonwealth's visual environment and to create a statewide system of recognized and certified heritage areas for the purpose of enhancing and enriching the economy and quality of life in Virginia. The Commission shall also recommend the means by which such efforts may be enhanced and extended.

As part of its responsibilities, the Commission shall establish a subcommittee to make a recommendation for a new official state song, which among other things invokes visual images of the historic, natural and scenic beauty that the Commonwealth's citizens celebrate. The subcommittee shall also make a recommendation on the advisability of having a commission to make recommendations on all official designations of the Commonwealth in keeping with the aesthetic attributes of Virginia. Additional citizens may be made a part of the subcommittee, but any funds expended in support of the subcommittee's work shall be reimbursed with non-general funds raised from private donations.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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# Appendix C

## ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

### HJR 107 Study: The Impact of Aesthetics on the Economy and Quality of Life of Virginia and Its Localities

#### Findings

##### I. The Commonwealth's visual environment is an important resource.

The visual environment (aesthetics of the Commonwealth) is comprised of scenic beauty; undeveloped rural areas; architecture, historical features, open space, and the built environment of communities.

##### A. A quality visual environment contributes major benefits to the citizens of the Commonwealth.

- *Economic benefits:*

*Tourism:* A record \$10.5 billion total tourism spending in 1996; \$469.6 million state taxes; \$288.2 million local taxes.

*Attraction of new business:* Community appearance among the highest priorities reported by businesses in considering a move to Virginia.

*Increased property values and taxes:* From 1980 to 1990, the value of property in Richmond's Shockoe Slip rose 245% because of historic preservation efforts. Citywide aggregate real estate values rose 8.9%.

- *Intangible benefits:* Improved quality of life, physiological and psychological well-being, greater social stability, civic pride.

##### B. The long-term benefits of preserving and enhancing the quality of the visual environment can justify costs.

- Trees near buildings reduce energy consumption 15–35% per year, increase property values, and become more valuable as they mature.

##### C. Protection of the visual environment is consistent with state policy.

- *Constitution:* “[T]o protect [Virginia’s] atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth.”

- *Statutes:*

“[T]o preserve and enhance the natural scenic beauty or aesthetic features of the highways and adjacent areas, ... the erection and maintenance of outdoor advertising in areas adjacent to the rights-of-way of the highways within the Commonwealth shall be regulated....”

Environment defined as “the natural, scenic and historic attributes of the Commonwealth” (DEQ) and “the natural, scenic, scientific and historic attributes of the Commonwealth” (DCR)

- *Executive policy:* Governor's Economic Development Strategy Tourism Vision Statement, Virginia Outdoors Plan 1996.

**D. Public opinion in Virginia may support protection of the visual environment.**

- *1997 Virginia Environmental Endowment poll:* “[A]ccess to places of natural beauty, such as mountains or rivers”—most frequent reason given (43% of 786 polled) for appreciating living in Virginia.
- *1990 Piedmont Environmental Council poll:* [P]reserving the historical, rural, and natural beauty of Virginia”—second only to education for the majority of 842 surveyed.

**E. The importance of a quality visual environment may be overlooked in governmental decisions, resulting in missed opportunities and losses.**

- The economic impact of the Blue Ridge Parkway is far greater in North Carolina than in Virginia:

1995-96	Virginia	N. C.
Number of parkway miles	appx. 200	appx. 200
Total visitor spending	\$511 million	\$2.9 billion
Related jobs	13,000	75,000
Average expenditure per day per visitor	\$38.40	\$55.70

- North Carolina declared 1996 the “Year of the Mountain”; produced a guide to mountain craft heritage trails; and won a federal grant of \$750,000 to assist mountain preservation efforts.

**F. Virginia is among a minority of states that do not recognize aesthetics as a sufficient basis for planning and other exercise of State and local police powers.**

**G. Nevertheless, tools are available for State and local officials to protect and enhance the quality of the visual environment, and many communities throughout the Commonwealth have shown leadership in doing so.**

- Legal framework provides broad authority. Virginia Supreme Court has ruled against localities in only one major land use case in last twenty years.
- Examples include the Prince William County Community Design Plan, Chesterfield County’s purchase of the Dutch Gap Conservation Area, and the Charlottesville’s city-wide ban on new billboards. A more complete listing of selected local programs to preserve and enhance the visual environment will be provided.

**II. More can be done by all levels of government to preserve and enhance the quality of the visual environment in Virginia.**

# Appendix D

## ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS Visual Quality Committee

HJR 107 Study: Impact of Aesthetics on the Economy and Quality of Life of Virginia and Its Localities

### Goals

- Awareness. Raise awareness of the importance of visual quality.
- Recognition. Recognize leading localities and State agencies.
- Models. Provide models for others.
- Needs. Pinpoint continuing needs.

### Recommendations

Because the ACIR's initial research has shown that aesthetics is an important resource and that State and local efforts to preserve and protect the visual environment serve the best interests of individuals, commercial enterprises, localities, and the Commonwealth, the ACIR may wish to commit to undertaking one or more of the following initiatives.

#### 1. Awareness

**Conference or Series of Conferences.** The ACIR may wish to host a statewide conference or a series of regional conferences to foster continued discussion of issues raised in the interim report. If the ACIR chose to host a series of conferences, they might be held in conjunction with planning district commissions throughout the Commonwealth.

**Annual Report.** The ACIR may wish to produce an annual report to update its study of the visual environment.

**Public Opinion Poll.** The ACIR may wish to seek an independent statewide poll of individuals to gather additional evidence of the value of visual quality to individuals.

#### 2. Recognition

**Annual Recognition Awards.** The ACIR may wish to establish an awards program to recognize outstanding efforts by State agencies and localities to preserve and enhance visual quality.

#### 3. Models

**Inventory.** The ACIR may wish to compile an inventory of tools State agencies and localities in Virginia and elsewhere have used effectively in their efforts to protect visual quality. The ACIR may wish to serve as a clearinghouse for disseminating such information.

**Competitive Grant Program for Local Initiatives.** The ACIR may wish to recommend the establishment of a competitive grant program that would provide modest incentives for localities to increase their efforts to preserve and enhance visual quality.

#### **4. Continuing Needs**

**Possible Future Expansion of Local Authority.** The ACIR may wish to indicate in its report that legislation that would authorize localities to base planning decisions and other action to promote the welfare of citizens on aesthetics alone may be advisable at some time in the future. Currently, Virginia law requires at least one other basis for such action. However, the majority of other states give localities this authority, which was held to be constitutional by the U. S. Supreme Court in 1954.

**Purchase of Open Space.** The ACIR may wish to study programs other states have undertaken to purchase open space in an effort to protect the environment and to preserve visual quality.

**Transportation Design.** The ACIR may wish to encourage the Virginia Department of Transportation (VDOT) to implement flexible design standards to the extent possible in working with localities concerned about the preservation of visual quality. In addition, the ACIR may wish to encourage VDOT to include designers and citizens as early as possible in transportation projects to increase the likelihood that concerns about visual quality will not be overlooked.

**Heritage Tourism.** The ACIR may wish to initiate discussions with the Virginia Tourism Corporation about the desirability of establishing a statewide certified heritage tourism program similar to those successfully implemented in neighboring states. As part of these discussions, the ACIR may wish to investigate how to fund such a program.