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Final Case Study for the National Scenic Byways Study

Roles of Local Planning Agencies in Scenic
Byways Programs

Scenic **BYWAYS**



September 1990

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Final Case Study
for the
National Scenic Byways Study

**ROLES of LOCAL PLANNING AGENCIES
in SCENIC BYWAYS PROGRAMS**

SEPTEMBER 1990

Prepared for
The Federal Highway Administration

Submitted by
The American Planning Association

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EXECUTIVE SUMMARY

This study identifies key relationships between local planning agencies and statewide and/or regional scenic byway programs, and provides informal guidance and information for local planning agencies in support of these programs. Representative scenic byway programs are reviewed as they affect local planning agencies, and relationships are identified. Based on these planning relationships, a process is described which portrays how local citizens and planning agencies can participate in planning a scenic byway.

Local governments and their planning agencies can have a significant role in the designation and management of a scenic byway. Depending on the nature of enabling state legislation, designation may be done at the state level, and scenic corridor management and maintenance at the local level. Usually, states will support the preparation and implementation of a scenic byway plan. In some cases, however, local governments prepare such plans on their own or with the assistance of consultants, citizen groups, private organizations, or other local government agencies. Principal roles for a local planning agency to participate in a scenic byway plan would include:

1. Performing an inventory of significant local natural, cultural, and scenic resources;
2. Performing an inventory of local land uses adjacent to byways;
3. Stating local development objectives along with the roles that scenic resources and tourism play in local growth;
4. Stating management goals for protection, preservation, and enhancement of scenic resources;
5. Identifying potential management issues, problems, and needs;
6. Developing a detailed scenic corridor management program, including plans for responses to development pressures, legal authorities and tools to implement the program, and a schedule for implementation;
7. Furnishing appropriate illustrations and maps to document, clarify and explain the program.

It is clear that unless the scenic qualities of byways are actively protected, their scenic value will be destroyed. Planners are especially equipped to carry out scenic byway programs and serve as an important "connection" between a state level program and its actual implementation at the local level. Where no planning capability exists locally, states should provide planning assistance and advice for local communities interested in establishing a scenic byway. Ultimately, it is important that local planning agencies be viewed as allies in the effort to establish and protect scenic byways, especially where development is occurring.

Local community groups and even individual citizens can play significant roles in planning a scenic byway by employing this document and understanding the planning process. Participating in planning advisory groups, assisting in scenic inventories, initiating petitions to sponsor designation of a scenic byway, and monitoring the effectiveness of scenic protection tools are but a few of the roles citizens can play in scenic byway planning, especially where a community does not have an extensive professional planning staff.

INTRODUCTION

Local governments and their planning agencies can have an important role in the designation and management of scenic byways, especially in states like California, Michigan, Oregon, and Vermont, where such programs have been established in state legislation.

This study describes the local scenic byway planning process and roles played by state government agencies, local governments, and community and citizen groups. Depending on the nature of enabling state legislation, designation may be done at the state level, and scenic corridor management and maintenance at the local level. Usually, states will support the preparation and implementation of a scenic byway plan. In some cases, however, local governments prepare such plans on their own or with the assistance of consultants, citizen groups, private organizations, or other local government agencies.

1. Components of Local Scenic Byway Planning

Principal components of a local scenic byway plan include:

1. An inventory of significant local natural, cultural, recreational, and scenic resources;
2. An inventory of existing land uses adjacent to byways;

- 3. A description of local development objectives along with the roles which scenic resources and tourism play in local growth;**
- 4. A description of management goals for protection, preservation, and enhancement of scenic resources upon which the designation is to be based;**
- 5. A description of potential management issues, problems, and needs;**
- 6. A detailed scenic corridor management program, including plans for responses to development pressures, legal authorities and tools to implement the program, and a schedule for the program's implementation;**
- 7. Appropriate illustrations and maps to clarify and explain the program.**

1.1 Inventory of Scenic Resources

An inventory of scenic resources is an essential part of scenic byway planning. The results of a scenic inventory can guide comprehensive plans, land-use ordinances, and site plan reviews. It can also help in: determining the potential visual impact of a proposed development; informing and educating community residents; identifying properties to acquire or protect through scenic easements or other protection methods; and determining locations for public access points, new developments, roads, bike trails, hiking trails, or utility lines.

Over the past two decades, planning and design professionals have developed several methods for assessing visual quality in a community.¹ Some of these methods rely primarily on the skills of design experts; others place heavy emphasis on a community's own values and participation. By their very nature, many include a degree of subjectivity. Thus, the visual inventory approach selected by a community depends largely on how scenic information will be used. If a zoning ordinance is going to be based in part on a survey of citizens' scenic preferences, for example, a statistically sound system of sampling public opinion is necessary. On the other hand, if the primary objective is to increase a community's awareness of its scenic values, and to demonstrate to residents that there is strong agreement on what is "scenic" in the community, a less comprehensive (and less expensive) approach may be appropriate.

An inventory of scenic features should not be limited to what is "beautiful," however. Sparse hedgerows or a quaint storefront, while not scenic, may be prominent visual features that serve as points of community identity and should be protected for their cultural and social significance.

Many communities and some states have programs to designate and protect scenic roads. In order to designate them, an approach for assessing their scenic value must be employed.

A good way to introduce the issue of visual quality in a community is to show photographs or a video of the community--both scenic and not so scenic--to residents and ask them to discuss their impression of the views, their opinions on what constitutes good scenic quality and design, and their feelings about what resources are important to protect.

A professional visual analysis is based on the experienced design perspective of an environmental planner who can classify and evaluate landscapes. While there is no one set of criteria uniformly used, many visual analysis studies, including those conducted by the Bureau of Land Management and Forest Service,² have used elements of artistic composition--form, line, color, and texture--to evaluate scenic landscapes.

1.2 Development Objectives in Comprehensive Plans

The primary role of including development objectives in a local comprehensive plan is to coordinate planning, public infrastructure, private investment and regulation consistent with local government policies. While managing local scenic resources is not the primary purpose of a plan for a community's development and growth, it is a significant component of a plan, especially where such resources contribute to a sense of place and the community's economic base.

In order to make development objectives meaningful for planning, it is necessary to establish their spatial and temporal characteristics. Local governments need to be able to exercise some control over the timing and location of capital improvements such as roadways and other transportation facilities, sewage collection and treatment systems, and public water supply systems. All these public infrastructure components play an important part in managing private development and growth in a community. Communities cannot expect to protect the scenic resources they value unless they are fully aware of the consequences of both public and private development intentions, and take appropriate planning actions to ensure that important scenic resources are protected.

Within the context of a community's planning process, development objectives should be compared and contrasted with scenic resource protection goals to identify potential conflicts and potential opportunities for goal reinforcement.

1.3 Nomination/Petition for Scenic Designation

In order for a scenic byway to be designated, it must first be identified as scenic and nominated for scenic byway status. One example of local nomination of a scenic byway is found in Michigan, where the Natural Beauty Road Act empowers County Road Commissions to dedicate county-local roads as Michigan

Natural Beauty Roads. Specific procedures are followed by interested citizens in recommending potential natural beauty roads to their respective County Road Commissions. As a prerequisite, these roads must be county-local roads before they may be considered for designation, and not be classified as collectors or primary roadways.

Twenty-five or more land owners in a township may apply by petition to their County Road Commission for designation of a county-local road or portion as a natural beauty road. Petitioners need not actually reside on the road in question. Proposals must state clearly the name, location, length, and exact beginning and ending points of the road petitioned for, and be supported by a statement of justification for the request for designation.

In Michigan, within six months after the petition is received, the County Road Commission holds a public hearing to consider the described road as a natural beauty road. Within thirty days after the public hearing, the County Road Commission announces its decision whether the road would or would not be designated as a natural beauty road.

The scenic designation of a road as a "Natural Beauty Road" would not curtail existing road maintenance programs. It would not prohibit the application of sound forest management in the right-of-way, and also would not affect the right of a

public utility to control vegetation in connection with the maintenance, repair or replacement of facilities which were constructed in a road, or across a road, prior to its designation.

1.4 Designation

The goals of a Scenic Byways program are to identify and preserve in a natural, essentially undisturbed condition, certain county or local roads having unusual or outstanding scenic beauty. By virtue of natural, historical, cultural, or recreational features within or near their right-of-way, scenic byways can be used and enjoyed by local residents and the public in general.

Scenic Designation Objectives Seek to:

1. officially recognize and designate roads in the county or local system that meet the scenic criteria.
2. keep these roadsides as they presently exist to the extent possible.
3. maintain and administer these roads so that they will continue to meet the criteria, and at the same time, provide safe public travel.
4. provide signs on such roads for travel information.

Designation of a road or a scenic byway usually adheres to the following criteria:

1. **Character of the Road.** To qualify as a scenic byway, a road usually would have outstanding natural features along its borders, including water features, native trees and other native vegetation such as shrubs, wild flowers, grasses, and ferns, and open areas with scenic or natural vistas. These features also include which, singly or in combination, set this road apart from other roads as being something unique and distinct.

2. **Length.** Normally a minimum of one-half mile is considered acceptable for designation. Below this length, exceptions depend often upon unusual features. Stretches should be continuous, and non-qualifying portions normally would not exceed one-half mile in length.

3. **Roadside Development.** Preferably, qualifying roads should have no development along them. If development exists at the time the road is designated, it should not detract from the natural unspoiled character and visual impact of the road area.

4. **Road Bed.** Scenic byways may be dirt, gravel, or hard surface; shoulder widths should not be widened unless absolutely necessary.

5. **Function of the Road.** Normally, the existing road should function as a local access road, i.e., one which serves the adjacent property owners,

and/or as a road serving those wishing to travel and enjoy its natural beauty features. These uses would generally preclude designating as a scenic byway any road serving as a collector or a higher functional classification as defined by Federal standards.

6. **Speed.** Scenic byways are intended to be traveled at low speeds for purposes of enjoyment. It is typically recommended that hard surface roads be posted for a speed of not more than 35 MPH; gravel and dirt roads, 25 MPH.

1.5 Scenic Byway Management and Maintenance

In general, scenic byways receive the same level of maintenance performed on the road prior to designation, as long as the character of use and development of the road does not require a higher degree of maintenance. Typical maintenance practices might include:

1. **Mowing.** Mowing should be continued where done previously, but limited to one swath (maximum of five feet) on either side as follows:
 - a. On one-line trail or dirt roads, mowing should be immediately adjacent to the tracks.

- b. On two-way gravel roads, mowing should be immediately adjacent to the edge of the graded surface.
 - c. On paved roads, mowing should be immediately adjacent to the edge of the pavement.
2. **Grading.** Grading should be kept as limited as possible, normally within a total width of 10 to 15 feet for trail roads. On other roads, grading should continue normally but be kept to a minimum to avoid disturbance of vegetation. It should be restrained to avoid trees or unusual sites that have been identified as scenic resources in the inventory.
 3. **Herbicides.** Under no circumstances should herbicides be used to control or eliminate roadside vegetation having scenic qualities.
 4. **Dust Laying.** Where dust laying has been the practice or becomes a necessity, a minimum level of dust treatment may be used.
 5. **Cross Drainage.** Cross drainage should be handled where necessary to prevent damage to the road.
 6. **Signs.** Some byways should be identified at entrance points by a specifically designated standard sign to be of a design prepared by the Department of State Highways, and placed by the local Road Agency. The length of the designated road should be indicated on the sign.
 7. **Tree and Shrub Trimming and Tree Removal.** Where necessary for safety or protection of the traveling public and vehicles, tree branches and shrubs may be trimmed or whole trees removed.

8. Road Surfacing. The existing road surface at the time of designation would normally be continued. Necessary changes in the surface to improve safety, drainage, reduce maintenance problems, etc., may be cause for dedesignating such roads if such changes disturb the scenic characteristics for which the road was designated.

1.6 Monitoring for Compliance for Scenic Protection

Local scenic byway protection programs are successful to the extent that local jurisdictions are able to enforce their scenic protection measures.

Enforcement of scenic protection measures requires the involvement of local government staff that is familiar with the law and experienced in inspection procedures.

In California's scenic highway program, for instance, this enforcement occurs through several levels of government. Once every five years, CalTrans (the state dept. of transportation), in conjunction with the Departmental Transportation Advisory Committee, requires from participating local jurisdictions a statement of compliance with the protection measures. A brief form is sent to each governing body (city council and/or county board of supervisors) with scenic highway designations in their jurisdiction in the month of July following the fifth year of

designation (i.e., a route designated in May 1988 would receive first compliance notice in July 1993).

With the advice of the Departmental Transportation Advisory Committee, CalTrans is authorized by statute to revoke official scenic highway designations. This can be done at the request of a local jurisdiction or upon a determination that the local jurisdiction is no longer carrying out its responsibilities for the protection of the scenic corridor.

If it is determined by the Advisory Committee, upon advice by CalTrans staff, that the local jurisdiction has reasonably enforced its adopted protection measures, the designation can be extended for another five years. If it is determined that the local jurisdiction is in non-compliance, it will be granted a time period of one year to make the necessary corrections. The local jurisdiction may also request revocation of the designation under either situation.

1.7 Re-Evaluation, Redesignation, and Revocation.

Periodically (every four years is customary) the agency that designated a road as scenic would re-evaluate each scenic road and the implementation of measures to ensure preservation, protection, and enhancement of its scenic qualities. This re-evaluation determines whether or not the road still meets the criteria for

designation. The designating agency may eliminate any road from the Scenic Roads Program if it ceases to meet the original criterion established for its acceptance.

Where possible, the designating agency should attempt to identify the local, county, or state government or authority most responsible for allowing degradation of the scenic road corridor, and encourage it to correct the problem. It may also identify additional management problems or issues needing attention.

2. State Roles

State scenic byway programs are important not only in themselves but also in ways they can influence local programs. First, the presence of a state program may make local programs easier to enact and more effective. At one extreme, a state-local program may prescribe the type of program that local governments must undertake; at the other extreme, a formal state policy can cast a cloak of legitimacy on a local program that otherwise would have little justification if carried out only by the initiative of a single local government. Even though a state program may fall far short of being a complete solution, it can provide a starting point that stimulates positive actions by a local government. This may occur as an intended part of the program or in an unpredictable manner.

Thus, a policy statement by the state legislature stating that scenic resources are a valuable economic resource that should be protected is important. This kind of support provides leverage and a supportive policy environment for local programs. In doing so, a state policy makes it possible to demonstrate the consistency of a local program with state objectives. Adoption of a state program is an important political act that may strengthen the positions of local governments against various types of political and legal challenges.

Second, a state program generally requires or enables some local planning to take scenic resources specifically into account. This can occur through the requirement to set up local planning bodies, such as scenic or historic preservation advisory boards, or by states providing planning assistance for local governments. Once a locality has the format for discussing the problems of protecting scenic resources, it will often initiate effective actions.

Finally, many local jurisdictions because of an absence of inertia, lack of leadership, or local political pressures will not undertake scenic byway programs in the absence of a state program. A state program can induce or require them to take action.

2.1 Enabling Legislation Considerations

There are a variety of program choices with respect to the types and nature of scenic and recreational highway systems. The range of choices must be carefully examined in enacting legislation that will be appropriate for each state's unique circumstances.

The basic questions to be addressed in a state's enabling legislation for a scenic byway program are:

- A. Should the program be limited to state highways only, or apply to both state and local routes? Time and budget limitations may preclude evaluating an entire state highway system, let alone a system of county roads and streets. If both scenic and recreational criteria are applied, the addition of certain local routes may be necessary because of outstanding views, or for access to major recreational facilities.

- B. In evaluating and designating scenic byways, should the emphasis be on scenic experiences, on recreational experiences, or on both? Unlike recreation facilities, natural scenic qualities and historic features cannot be "added," though their use and enjoyment can be enhanced. This

premise suggests that scenic qualities should play a strong role in a program to which recreational facilities could be added later.

- C. Should the program apply only to existing roads, or may new roads be considered as part of a system? Usually, only existing roads are considered, with a systematic procedure for identifying future roadway segments.

- D. Should limited access routes be omitted from consideration for a scenic byway program? Users of limited access routes tend to be destination-oriented, and are not likely to fully experience the scenery available to them. A scenic byway system, therefore, would be developed as a separate system of roadways, but might include limited access routes of outstanding scenic quality.

- E. To what extent should a state share responsibilities for scenic byway program implementation with local governments? A commitment by a local government to provide land use controls and other measures to protect a scenic corridor is an essential part of carrying out a scenic byway program.

- F. Should a state legislature actually designate a system of scenic routes, or simply specify the criteria for route selection? While it is simpler to establish criteria, actually designating a system would provide legislative leverage which would provide greater momentum for action by state agencies.**
- G. How far beyond the right-of-way should a program consider the quality of the scenic byway experience? The approaches here may range from staying within the right-of-way itself to extending some form of control and protection to encompass an entire viewshed.**
- H. Should a program consider tourist and recreational resources as they apply to a scenic byway system? The main consideration is to determine the extent to which a state's tourist industry is an integral part of the economy and recreational activity pattern.**

These considerations are important elements to be incorporated in drafting any enabling legislation for a state scenic byway program. In California, for instance, the intent of the legislature in designating certain portions of the state highway system as state scenic highways was to establish the state's responsibility for the protection and enhancement of California's natural scenic beauty. This was done by identifying those portions of the state highway system

that, together with the adjacent scenic corridors, require special scenic conservation treatment. The legislature designated such scenic highways to assign responsibility for their development and for the establishment and application of specific planning and design standards. In order to protect the social and economic values provided by the state's scenic resources, legislation also set forth procedures to indicate the location and extent of routes and regulation of land use and development by state and local agencies.

2.2 State Agency Program Responsibility

The roles performed by a state agency with responsibility for administering a scenic byway system would include: setting planning and design standards; establishing a scenic byway system and designating scenic routes; coordinating and/or approving the location and construction of new facilities within a scenic corridor; receiving funds or real property to incorporate into a scenic corridor; and coordinating transportation planning with local governments whose jurisdictions are included as part of a scenic byway.

A state agency may establish and apply pertinent planning and design standards for development of official scenic highways. In establishing and applying such standards for, and undertaking the development of official scenic highways, the agency should take into consideration the concept of the "complete

highway," which incorporates not only safety, utility, and economy, but also scenic quality. In the development of scenic highways, the agency should give special attention both to the impact of the highway on the landscape and to the visual appearance of the highway itself.

The standards for official scenic highways should also require that local governmental agencies have taken actions as necessary to protect the scenic appearance of the scenic corridor, the land generally adjacent to the highway right-of-way. These actions would include, but are not limited to: (1) regulation of land use and intensity (density) of development; (2) detailed land and site planning; (3) control of outdoor advertising; (4) careful attention to and control of earthmoving and landscaping; and (5) the design and appearance of structures consistent with the character of the scenic byway.

Whenever the agency determines that a corridor protection program has been implemented by local governmental agencies and a plan and program have been developed for bringing the highway up to official scenic highways standards, the agency can designate the highway as an official state scenic highway.

The agency may place appropriate signs along portions of the state scenic highway system that has been designated as scenic. Whenever the agency determines that the scenic corridor protection program of local governmental

agencies no longer adequately carries out responsibility for the protection of the scenic corridor, it may revoke the designation of the highway as an official state scenic highway. (See Appendix A for example.)

The agency may encourage the construction and development by counties or portions of the county highways as official county scenic highways and may furnish any information or other assistance to aid the counties in the construction or development of those scenic highways. Whenever the agency determines that any county highway meets the minimum standards prescribed by the agency for official scenic highways, including the concept of the "complete highway," it may authorize that county to designate the highway as an official scenic byway. Likewise, the agency may accept any gift or money or property from any person or group for the purpose of acquiring property for, and establishing and maintaining as a memorial to any person or group, a place adjacent to any state highway in the state scenic byway system.

If the agency, with the advice of its advisory committee, determines that any county highway which has been designated as an official scenic byway no longer meets the minimum standards for byways, it may revoke the authority of the county to designate the highway.

Enabling legislation may create a transportation advisory committee, to consist of county and city officials, representatives of transportation planning agencies, representatives of air, highway, motoring, and public transportation organizations, and others interested in transportation planning to act in an advisory capacity to the agency in the preparation of various transportation reports. The agency cooperates and confers with the advisory committee.

2.3 State Level Designation

Scenic byway systems can be delineated by use, illustrating the range of scenic, recreational, and educational experiences that highways provide, and the various criteria by which they can be evaluated. Examples of such sub-systems are described below, with typical criteria for each:

- A. Physiographic and geologic route system: giving access to and illustrating the variety of physical regions, their geologic structure and clearest expressions in landform and rock outcrops.
- B. River, lake and shoreline routes system: linking the stages of a single river and watershed in a variety of river, lake and seashore forms, exemplifying their development from a headwater source to sea.
- C. Ecological routes system: providing access to those areas most expressive of the various botanical ecotypes with their characteristic vegetation, and mammal, fish, bird, reptile and insect life; also those

areas such as wildlife reserves and bird flyways and sanctuaries where such life is concentrated or unique.

- D. **Historic routes system:** linking archeological sites and old and noteworthy trails, places and structures significant to the growth of the nation, state or locality.
- E. **Cultural routes system:** linking characteristic, restored, or ethnic areas, galleries of old and modern arts and sciences, museums, universities and institutions that express the heritage and functioning character of an area.
- F. **Commercial and industrial routes system:** linking the stores, shops, wharfs, factories, cropped lands, mines and engineering works expressive of the economic functioning of an area.
- G. **Hydropower routes system:** linking the major dams and plants powering a region.
- H. **Entertainment routes system:** linking the zoos, parks, gardens, show houses, festivals, and amusement places of an area.

Routes, loops and limited day itineraries combining any of these can also be important components of a scenic byway system that contribute to its tourist and educational value.

3. Local Government Roles

In a scenic byway program, the main local goal is to maintain the quality of the scenic, natural, historic, recreational, and rural landscapes along local and state byways. The extent of local support for local and planning guidelines, zoning ordinances and other appropriate scenic resource protection approaches should be the basis for byway nominations and scenic designations.

Private organizations including auto clubs, local tourism agencies, chambers of commerce, and other community interest groups can also help inform the public about scenic byways, where to find them, and how to protect them. Signs meeting scenic standards and maps developed by these groups could direct travelers to these special routes.

Local communities should seek the advice and assistance of historic preservation officers, natural heritage program officials, environment design and planning professionals, and others during the inventory and designation process. Highway users are also important partners in creating scenic byway networks. Local communities and states should cooperate to determine which roads and routes should be linked up to be part of an overall system.

Ultimately, the success of a scenic byway program depends upon residents and local government officials. When a locality decides to take advantage of a scenic byway program, someone must drive its roads, identify the features that make them scenic and locate the ones worthy of designation and preservation. Evaluating an entire local road system is an important task, requiring local government coordination.

3.1 Comprehensive Planning

Planning should be the first step in local government action to protect scenic resources. Although planning will not allay every development threat to a scenic resource, it provides an organized approach to using land and to applying other governmental regulation and services. Good planning, where faithfully carried out, is first and foremost a money-saving exercise, for it encourages a local government to consider its future and to set priorities for its expenditures. The ramifications of designating land for new development; siting utility, water, and sewer lines and providing roads and schools are so significant that communities should consider planning as one of their most important tasks.

A comprehensive plan is the community's blueprint for the future, specifying the actions that make the community a good place in which to live, work, and visit. In other words, the plan outlines what needs to be done, and how and when

to do it in an organized fashion. Local plans may be called a "master plan," "general plan," or "comprehensive development plan," and are comparable to an industry's management plan. The planning process and a comprehensive plan per se are not necessarily the same. The written plan is one result of a continuing planning process, and serves as a visible guide to public and private decision-making in order to help a community avoid costly mistakes that might occur if no plan exists.

A well-executed plan should respect natural, cultural, and scenic resources; consider the economic activities and needs of the community and outline a course of action that is compatible with the community's traditions and settlement patterns. The plan should balance environmental protection and cultural amenities on the one hand with needed residential, commercial, and industrial growth on the other, and should consider the public facilities and services the community will provide. Growth should be encouraged only in those locations where the land has the capacity for development.

The plan is usually the foundation for any of the land protection and development regulations a community may enact. Some states require local governments to have an official comprehensive plan and to update it periodically. For example, in Vermont the local plan expires every five years. In other states,

the comprehensive plan is a legal document that is acceptable in court as evidence that a community's land-use controls are based on rational considerations.

A comprehensive plan should deal with both the short term (up to five years) and the long-term; some of its proposals should be capable of immediate implementation. A plan should have specific policies or recommended actions to support its goal statements.

The comprehensive plan is basically a reporting device, generally in map and narrative form. It combines the objectives, assumptions, and standards that guide the development of the plan's policies, and often includes a summary of an environmental inventory, which precedes the plan's preparation. Most plans include current data, future projections, and proposals concerning population size, demography, land use economic activities, historic preservation, traffic and transportation routes, parks and open space housing, utilities, and other pertinent aspects of a community's life and resources.

A community's plan need not be lengthy. In fact, some rural communities may prefer what is known as a "policy plan," in which community goals and objectives are clearly stated as a means of reviewing future development. Such a plan usually lacks specific steps that can be taken right away. On the other hand, a policy plan may prove more flexible in dealing with changing circumstances by

establishing ground rules ahead of time, so that the community will respond in a predictable way.

3.2 Scenic Inventory

A local inventory is an essential step before scenic resource protection elements can be incorporated into a local comprehensive plan. Typically, a scenic inventory is organized into a series of viewsheds that can be mapped and related to roads and other key features in the community.

A viewshed usually starts at the transition point where the built environment of a community meets the surrounding landscape. In general, to determine the extent of the viewshed, important vantage points and significant features in a community are identified from potential scenic byways. The area that can be viewed from those points could be defined as the viewshed.

A community located in an area of open agricultural land would have a larger viewshed than one nestled between forested hills, since the open land would not be able to absorb the visual effects of development as easily. For example, the viewshed of the village of Waterford, Virginia, which is surrounded by rolling farmland, was determined to be forty feet beyond the area that can be viewed from the vantage points in the village. The size of the viewshed varies with the

topography, vegetation, and other structures or features of the village's surroundings.³

A local scenic resources inventory may also be useful in drafting or amending town plans, zoning ordinances, and land subdivision controls. The inventory can be used to help a plan express the importance of local scenic character, and can highlight important local concerns. It can also help create policies to protect scenic character through careful roadway management or other techniques, such as creating design control districts, purchasing scenic easements, or establishing lot size, setback, and landscaping requirements along scenic byways. Local officials can work creatively with property owners to reduce the effect of negative visual effects observed while taking a scenic inventory. For instance, planners may suggest vegetative screening, clearing, or government sponsored actions to improve the appearance of buildings within a viewshed.

3.3 Local Initiatives for Designation

Once the roads have been chosen for designation, the local officials follow the procedures outlined in the scenic byways law to formally declare the routes scenic. In practice, the group that took the initiative on this program--local government officials, the planning commissioners or a group of citizens-- recommends that the local government designate the chosen roads as scenic. The

local government may hold a public hearing to receive comments on the proposal and to aid it in determining the proposal's final content.⁴ The local government then adopts, modifies or rejects the group's recommendation. The procedure for discontinuing the scenic status of a road is the same.

3.4 Scenic Corridor Management

Without adequate protection, the character of the corridor through which a scenic road passes may be altered significantly over time to diminish or lose the byway's scenic value. Publicly owned land is less likely to suffer undesirable changes in landscape values than privately owned or controlled land. Local governments should consider the most effective means of protecting scenic values of the land in a corridor. Typically, some form of corridor protection is urgently needed on many of the roadway segments nominated for scenic roads. Unless effective control measures are instituted, these corridors can be vulnerable to losing their scenic character.⁵

Scenic corridor management and protection may be exercised using a combination of the following techniques:⁶

A. Land acquisition, including: fee simple acquisition; lease-purchase agreements; bargain sale; donation; land trusts; and revolving funds.

B. Land transfer controls, including: purchase of development rights; land banking; transfer of development rights; and deed restrictions.

C. Land use controls, including: conservation and scenic easements; zoning ordinances; overlay zoning; agricultural districts; and scenic highway zoning districts.

D. Land development controls, including: subdivision regulations; cluster development; and development moratoria (used only when controls are being developed).

E. Tax incentives, including: preferential assessments and circuit breaker tax credits.

F. Planning, including: comprehensive plans; environmental reviews; and site plan reviews.

G. Sign control, including: regulations; design and structure; enforcement; and amortization of nonconforming signs.

H. View protection, including: view preservation ordinances and tree protection ordinances.

Local policies for scenic corridor management should be described within the adopted general plan. Many jurisdictions may choose to include a scenic resources plan element. The policy could also be included in the open space and/or circulation elements of the general plan, and should identify the scenic highways and their corridors. One example of a policy would be to reasonably control

corridor appearance through land use regulations within the viewshed so that the full scenic value of the area can be protected, sustained, and appreciated.

A county may enact ordinances to protect and enhance the scenic corridor for the enjoyment of residents and visitors while protecting the property rights of adjacent landowners. Performance controls for the scenic corridor could include the following:^{7, 8}

(1) The scenic highway corridor should be protected from encroachment of inappropriate land uses through controls such as:

- Building heights and setbacks would be controlled so as not to obstruct the view from the roadway.
- High intensity, urban development should be restricted in rural areas.
- A detailed land and site review procedure should be established for the proposed developments and projects in the scenic corridor.
- Unsightly uses (i.e., junkyards, dumps) should not be allowed.
- The size, height, and type of on-premise signs allowed should be minimum necessary to identification.
- No off-premise outdoor advertising should be allowed in rural settings.

Provision should be made for the eventual elimination of existing billboards. Information panels for advance notice to motorists should be provided in sites appropriately designated.

(2) Management of earthwork activities and other landscape activities would include:

- Grading or earth-moving should be done with a minimum of disturbance to the natural ground and result in naturalistic, architectural or sculptural forms.
- Vegetative cover, preferably native to the area, should be planted.
- Adequate erosion control measures should be provided in addition to those mentioned above.
- Edges of waterways should be preserved in their natural condition or treated to result in an attractive appearance.
- Existing specimens of outstanding value should be preserved. Selective clearing can be done to reveal important views from the highway.
- Timber operations should follow a selective thinning practice followed by a thorough clean-up. Reforestation should be carried out.

(3) The installation of utility poles and lines could be managed accordingly:

- New or relocated utility distribution lines within 1,000 feet of a scenic highway should be placed underground wherever feasible.
- When overhead lines are indispensable, poles and wires should be located to be inconspicuous from the highway.⁹

3.5 Roadway Maintenance and Management

Once a road achieves formal scenic status, subsequent maintenance and reconstruction work on it must comply with standards established by the designating agency. These standards are designed to preserve scenic quality without reducing the level of safety or service required by highway users. (A representative set of standards is contained in Appendix A.) The standards are comprised of traditional road engineering cross-sections that reflect traffic volume and engineering design.

Before any reconstruction work on designated roads is begun, local officials usually hold a public hearing to discuss the proposed work and possible removal of scenic road status. At the hearing, they present a detailed plan of the proposed modifications, including measures to minimize adverse effects on the scenic quality of the road. After soliciting comments from interested residents and local and regional planning commissions, the officials weigh the need for the changes against possible reduction in the road's scenic quality. If the proposed work significantly reduces the scenic quality of those qualities that enabled the road to be designated, the officials either modify the roadwork or remove the scenic designation.

Routine road maintenance projects should not significantly change the condition of the road as it existed at the time of designation. Material changes in width, alignment, or surface grade; removal of trees, vegetation, historic fences, stone walls, etc.; and elevations and locations of ditch lines and roadway surface are usually prohibited. Roadside maintenance activities should be adjusted to protect and enhance scenic quality.

4. Local Community and Citizen Group Roles

In the planning process it is often necessary to work with more than one level of government. For example, some government services, such as sewers, utility regulation, and roadways, may be a function of county government or an independent authority, while other government activities, such as zoning or planning, may be a function of a township or other level of government.

Local government involvement in scenic designation is important because attention from elected officials adds credibility to scenic byway and tourism activities. Moreover, local governments can appropriate funds and pass bond issues to support programs or acquire property, and such decisions by local government are enforceable locally.

Citizens may participate in their local governments in both informal and formal ways. Establishing an informal dialogue with local officials is one important step in educating them about scenic protection. Establishing communication by enlisting support from government staff is also important. Such staff members as the planning director, zoning administrators, building inspectors, the city engineer, or public works director can become valuable allies where they recognize scenic protection concerns. On the other hand, they can be formidable foes if they do not.

Individuals can also work more formally with local government as members of commissions or elected officers. Citizens wishing to be appointed to a board should express an interest to their elected officials, and attend meetings to voice their opinions. Smaller communities often have a shortage of people interested in government service; consequently, those who attend meetings and offer good ideas are likely to be considered when a vacancy on a committee occurs.

Establishing a task force to deal with scenic concerns can be an effective way to organize. Local governments may also establish other decision-making and advisory groups such as environmental commissions, planning boards, and historic district commissions which can have a strong reinforcing relationship to scenic resource issues.

4.1 Scenic Inventory Participation

Appraisals using the opinions of citizens have the obvious advantage of reflecting a community's values and attitudes. Although professional assistance is advisable, particularly if the results of the survey will be used as the basis for an ordinance, community volunteers can undertake much of the work. Discussing the scenic qualities they appreciate in their community's landscape gives citizens an opportunity to increase environmental awareness.

There are many ways to solicit citizens' opinions. For instance, survey teams could take photographs of typical scenes throughout the community and then ask citizens to rate the beauty of each scene on, say, a five-point scale or to rank the photographs in order of scenic preference. The results can be mapped. To insure objectivity, those conducting the survey should attempt to obtain photographs as uniform in quality and lighting conditions as possible.

Once the first segment of road which is a candidate for scenic byway designation is chosen, a scenic inventory team proceeds to a discernable landmark (town line, intersection) at one end. A person acting as a recorder fills in the necessary information on an inventory sheet.¹⁰

The team drives slowly down the road, scanning the countryside for those specific scenic elements listed on the inventory sheet. After each tenth of a mile, the car should be stopped so that the recorder can check the appropriate criteria. This process can be repeated for every tenth of a mile down the entire length of the road, using a separate inventory sheet for each mile.

When the inventory team reaches the end of the road, step one of the scenery survey is only half completed. Then the scenery evaluators would re-drive and resurvey the road from the opposite direction. This reverse survey is especially important. Very often, views which are not visible to travellers going in one direction can be seen by traffic going the other way.

After completing a road inventory in both directions, the team reviews the elements checked and the comments noted on the inventory sheets. They must then judge whether the road is of sufficient quality to merit formal designation as "scenic." As a guideline, many local scenic byway programs recommend that a road have a net--positive elements minus negative elements--of at least ten scenic elements per mile to merit designation. The evaluators may feel that some roads averaging less than ten elements per mile are nevertheless overwhelmingly scenic. They would describe their reasoning on the inventory sheet, noting those elements which contribute most to the scenic quality. If the road is not judged to be worthy of designation, the team would simply summarize the main scenic features of the

road. This information would be compiled and given to the local road commissioner or planning commission.

Use of a scenic road inventory does not end when a few roads have been designated. The survey data provides planning officials and road commissioners with a permanent and valuable planning and management tool.

The scenic inventory pinpoints areas on all roads that are worthy of special treatment. When road work is planned for highly scenic areas, whether or not on designated scenic roads, road crews will be forewarned to respect those valuable resources. For example, a road widening project may be slated for a road lined with old stone walls. If the road commissioner habitually checks the scenery inventory before beginning such work, he or she will notice the presence of stone walls and take precautions to insure that they are not disturbed.

A local government may be interested in building roadside picnic areas and scenic turnouts. Appropriate areas featuring panoramic views and a pleasant setting can easily be identified by using the inventory sheets. This catalog might also be used to locate areas in need of periodic brushcutting to preserve scenic views.

The scenic road inventories may be useful to officials drafting local plans, zoning bylaws and subdivision controls. In the plan they may state the importance of the town's scenic character and express as policy the town's desire to retain that character through road management and other techniques. They may wish to use the zoning and subdivision ordinances to manage lot size, setback and landscaping of development along scenic roads.

They may work creatively with property owners to reduce the effect of those views which were seen as negative the scenic road inventories. This may involve vegetative screening or improving the appearance of buildings. It may also include the creation of design control districts or purchase of scenic easements.

4.2 Community Support for Designation

A corps of community volunteers makes the task of evaluating an entire town road system an interesting, pleasant project. The nominating group acts as a coordinating committee to carry out the following tasks:

- notify the scenic roads program manager of the locality's interest in conducting a scenic roads survey;
- obtain assistance and equipment such as evaluation forms and manuals from the state scenic byways agency;

- plan and conduct the kick-off meeting to explain the program and solicit volunteers;
- drive along the local roads to compile a list of candidate scenic segments;
- prepare the narrative description;
- develop a timetable for conducting the survey during a time of year when scenic components are most visible and local roads passable (summer and fall are best);
- assign candidate roads to volunteers and supply evaluation forms;
- collect and analyze the completed evaluation forms;
- inform local government officials which roads are worthy of scenic designation and solicit a resolution of support;
- compile the nomination file and send it to the state byways program agency.

4.3 Participation in the Planning Process

Effective planning brings citizens and officials together to develop community policies, with citizen involvement constant throughout a plan's development and final adoption. (See Appendix B for an example of a Resolution of Support for a Scenic Byway.) Involving as many people as reasonable from a broad cross-section of the community increases the chances for community understanding and

acceptance. A plan perceived to have been imposed on the community whether by an overzealous planning commission, outside consultant, or a clique within the community, is doomed from the start. Besides encouraging better implementation of a plan, citizen involvement has other advantages. These may include: saving money, if volunteers can assume some of the duties a consultant might otherwise be paid to perform; producing a better plan because local people who care are involved; and citizens learning more about their community.

Establishing a steering committee to assist the planning commission in developing a plan can be a useful way to coordinate citizen planning efforts. A community's planning commission is technically responsible for preparing a comprehensive plan, but planning commissions are frequently too busy dealing with requests for zoning changes and other routine matters to spend time gathering and analyzing the necessary information.

Few citizens have the experience or technical background on the wide variety of subjects that a comprehensive plan must cover, or the objectivity to help the community to find a balance between competing interests and inevitable personal biases. Even when government officials and citizens are mutually involved in developing a plan, most rural communities without at least a part-time planning staff need the guidance of a planning consultant or a planner available from a regional or state planning agency.

5. Conclusion

While many state programs have a local "planning connection" as part of their scenic byway program, other do not. It is crucial that a strong planning presence be available at the local level to ensure that scenic resources, once identified and designated as important to local communities, are effectively protected. Planners are uniquely suited to play the essential coordinative and integrative role required to bring together local scenic protection resources.

Where planning staffs are united at local levels, citizens can play crucial roles by participating in planning advisory groups, assisting in scenic inventories, initiating petitions to sponsor designations of a scenic byway, and monitoring the effectiveness of scenic protection tools.

Notes

1. See studies such as: "Visual Impact Assessment for Highway Projects," prepared for the Federal Highway Administration, Contract # DOT-FH-11-9694, and the very helpful sources found in the study's Bibliography.
2. See "Roads: National Forest Landscape Management, Volume 2, Chapter 3," USDA Agriculture Handbook No. 483, Washington, D.C., 1977; and "Visual Simulation Techniques," USDI Bureau of Land Management, Washington, D.C., 1980.
3. See, for example, the Bucks County Village Planning Book, available from the Bucks County, Pennsylvania Planning Office.
4. See, for example, the Georgia State DOT's manual on public participation for scenic byways, with emphasis on non-confrontational methods of public participation. Contact Mr. Jim Schell (404-699-4404).
5. See, for example, Chapter 4: "The Preservation and Protection of Scenic Corridors" in Designing Urban Corridors, by Kirk R. Bishop, available from the American Planning Association, Planning Advisory Service Report No. 418, Chicago, Ill., 1989.
6. A detailed description of these scenic resource protection techniques can be found in: "Scenic Resource Protection Tools," prepared by Scenic America in Washington, D.C. (202-546-1100) for the Federal Highway Administration, 1990.

7. For a series of sample corridor development standards, see APA's PAS Report No. 418 (op. cit.), the Appendix which describes: a) The Austin, Texas Hill Country Road way Corridor Regulations; b) the Santa Fe, New Mexico Highway Corridor Protection District Regulations; and c) the Tri-County Regional Commission (Lansing, Michigan) driveway standards.
8. See also APA's PAS Reference Packet on "Corridor Ordinances," which includes ordinances from Agoura Hills, CA; Hilton Head, S.C.; Lake Elsinore, CA; Placentia, CA; Santa Fe, N.M; and Upland, CA.
9. For an illustration of how the State of Washington's DOT addressed scenic concerns of utility lines, see their video on this subject. Contact Mr. Bill Melton (206-753-0866).
10. See, for example, the scenic inventory sheets used in the Vermont or New York State Scenic Byway Program.

APPENDIX A

Adopted standards and rules for designation, maintenance and reconstruction of scenic roads

(STATE OF VERMONT TRANSPORTATION BOARD)

These standards and rules provide procedures for use in selection and designation of scenic highways as a means of preserving the scenic quality of the rural landscape. In addition, they describe techniques for reconstruction and maintenance of designated scenic highways in a manner which will preserve scenic quality without reduction in the level of service or safety required by users of the highway.

Section 1. DESIGNATION AND DISCONTINUANCE OF SCENIC ROADS

(a) The criteria to be used by the State and Towns in designating scenic roads shall be those contained in the document entitled "Criteria for the Designation of Scenic Roads," as promulgated by the (Transportation Board) as a part of these rules and regulations.

(b) Such criteria may be reviewed annually by the (Scenery Preservation Council) for continued appropriateness and may be revised, as necessary by the (Transportation Board) on the recommendation of the (Scenery Preservation Council.)

(c) A publication entitled "Designating Scenic Roads, A (Vermont) Fieldguide," adopted by the (Transportation Board) shall serve as the official guide for the use of the designation criteria.

(d) Prior to the public hearing which must precede designation or discontinuation of any highway as a scenic road, the (State Transportation Board) or legislative body of the town shall give Public Notice of the date, place and purpose of the hearing. Public Notice here and at other points in these rules shall mean notice in a newspaper of general publication in the municipality affected, the posting of such notice in one or more public places within the municipality, and by written notice to the district transportation administrator, regional and town planning commissions not less than fifteen (15) days prior to the date of the public hearing.

Section 2. IDENTIFICATION OF TOWN SCENIC HIGHWAYS

(a) Local Government Officials shall identify designated scenic roads.

(b) Local Government officials shall include proposed expenditures on scenic roads, if any, in the (Town Highways Annual Plan). If an annual plan includes such proposed expenditures, a copy of the plan shall be submitted to the relevant Regional Planning Commission.

Section 3. MAINTENANCE AND RECONSTRUCTION OF TOWN SCENIC ROADS

(a) Maintenance

At the time a highway is selected as a Scenic Road, the criteria responsible for this designation shall be clearly identified and recorded on the form entitled "Criteria for the Designation of Scenic Road," which may be obtained from district transportation offices or regional planning commissions. When a town designates a road as scenic, it shall enter this completed form in its records and transmit a copy to the (Agency of Transportation). Scenic roads will be maintained as nearly as possible in the condition which existed at the time of designation; that is the essential components such as width, alignment and grade of surface will not be changed materially; elevations and locations of ditch lines shall remain constant except for minimal adjustment required by normal cleaning operations. The roadway surface shall not be changed except for graveling or retreatment.

Permitted Roadside Maintenance

Permitted roadside maintenance shall be detailed at the time of designation. Normally this would be restricted to the removal of dead trees and brush cutting to protect established views. For example, if scenic or panoramic views are the reason for the designation, underbrush and small trees shall be removed as necessary to protect the view. If the designation was created because of stone walls or similar unique roadside features, these factors should be noted and maintenance activities adjusted to protect and enhance them.

(b) Reconstruction

When modification of a scenic road is required by change in the function or use of the road, or as a result of a natural disaster, the local legislative body shall investigate the impact of such modification on the criteria responsible for the scenic designation.

Scenic roads determined to require reconstruction shall be designed and constructed in accordance with Agency of Transportation Standard A-65 and in

accordance with the techniques and recommendations contained in the booklet, **The Vermont Backroad.**

The legislative body of a town may appeal to the (Vermont Transportation Board) for a variance from these standards, if considered necessary for the preservation of specific scenic features.

Modification of Scenic Road

Before modifications are made to a scenic road, the legislative body shall conduct a hearing, following adequate public notice, as specified under 1(d), to discuss the effects of the proposed modification and the possible removal of the road from the scenic classification.

A detailed plan to the proposed modification, including measures to minimize adverse effects, shall be presented at the public hearing. Prior to the public hearing the selectmen are encouraged to discuss proposed modifications with the district transportation administrator and appropriate regional and municipal planning commissions. The selectmen shall allow these same parties two weeks after hearing in which to provide written comment. At the hearing, the local legislative body shall describe the effect of the proposed modification on the criteria responsible for designation and shall receive testimony from the public.

Action by Legislative Body

After considering all available information and testimony, the legislative body shall determine if the need for the proposed modification is sufficient to justify any reduction in the scenic quality of the road. It shall publicize its decision, which shall include the principal reasons in support of that decision, by posting in the town clerk's office and by written notice to those parties identified under 1(d) "public notice." No modification of the scenic road may be initiated for seven (7) days from the date of posting an notification to the parties.

If it is determined that the proposed modification will result in the elimination of the scenic quality of the road so that it will no longer meet selection criteria, the legislative body may proceed to discontinue the road's scenic designation.

Section 4. EMERGENCY REPAIRS

(a) In the case of a natural disaster where the highway becomes impassable or unsafe for public travel and access must be provided, maintenance and/or reconstruction standards may be suspended with the approval of the legislative body for the purpose of emergency repairs. Notice of this action shall be

submitted in writing within three (3) days of the proposed action to the appropriate regional planning commission and district transportation administrator. A detailed report of the repairs and the effect of the scenic criteria shall be submitted to the same parties within thirty (30) days following completion of repairs.

Emergency repair operations should be conducted in a manner which will avoid or reduce adverse effects on the criteria responsible for designation. In emergency situations, the concern for the public good and safety will be given precedent over scenic considerations.

Section 5. SIGNING OF SCENIC ROADS

(a) Signs as required for purposes of traffic safety shall be in accordance with the Uniform Manual on Traffic Control Devices for States and Highways as published by the American Association of State Highway and Transportation Officials.

Section 6. MAINTENANCE AND RECONSTRUCTION OF STATE SYSTEM SCENIC ROADS

(a) Maintenance

At the time a highway is selected as a scenic road, the criteria responsible for this designation shall be clearly identified and properly recorded. Scenic roads will be maintained as nearly as possible in the condition which existed at the time of designation; that is the essential components such as width, alignment and grade of surface will not be materially changed; elevations and locations of ditch lines shall remain constant except for minimal adjustment required by normal cleaning operations.

(b) Reconstruction

The design for reconstruction of scenic roads shall be developed in conformity with current standards, modified as appropriate to preserve the scenic character of the road.

The plan and description of improvement projects not presented for discussion at a public hearing shall be submitted for comment to the appropriate regional planning commission which shall respond within fifteen (15) days of the receipt of such plans and description.

APPENDIX B

**Sample Resolution of Support
by a Local Government Legislative Body
from New York State**

SCENIC ROADS RESOLUTION

WHEREAS the New York State Department of Environmental Conservation (NYSDEC), pursuant to Article 49 of the Environmental Conservation Law, is empowered to designate scenic highways in the state, and

WHEREAS the public highway known as _____ extending from _____ to _____ within the Town of _____ exhibits exceptional scenic quality and passes through an area of significant regional importance, and

WHEREAS it is intended that the study be forwarded to NYSDEC in order to nominate _____ as a scenic road,

NOW, THEREFORE, BE IT RESOLVED that the Town Board enthusiastically supports the nomination of _____ as a scenic road and authorizes including this resolution with the nomination documents, and

BE IT FURTHER RESOLVED that the Town Board hereby requests and encourages the NYSDEC to quickly designate _____ as a scenic road.

On the motion to adopt by Member _____, seconded by Member _____, and a vote of _____ ayes and _____ nays, this resolution was carried and the Supervisor declared the resolution adopted.

Dated:

