

Viewpoints

Some views on views

Years ago, I made my first trip to Hawaii. Long before the advent of online reservations, I booked my trip through a travel agent. The agent advised me to pay a bit extra for a room with an ocean view.

The hotel was stylish. The islands were delightful. However, the only way I could view the ocean from my room was to go out on the balcony, lean over the rail, and glimpse a small piece of water between two palm trees. This was my first experience with how industry is able to extract a price for a view. I now know the difference between a partial ocean view, an ocean view and an ocean front room. Each of these views commands a different price.

I am now fortunate to live where I am surrounded by magnificent views. I am especially fond of the view of the northwest flank of Malan's Peak. To appreciate this view you have to be fairly close to the peak. The view is largely obscured from any street west of Buchanan Avenue. The various trails in the mouth of Taylor Canyon provide a good vista.

The view reminds me of an artist working with clay. Having sculpted a conventional mountain the artist decides that more visual interest is needed and proceeds to start digging away at the base of the outcropping. The sculptor begins by scooping out a bowl and then proceeds to use a putty knife to create crags and chimneys. The artist finally stops when base of the mountain is unlike any other.

I am not required to pay a monetary price for this view. Yet, given the choice of paying to retain the privilege of enjoying these views or seeing the vistas scared or diminished, I would choose to pay a meaningful sum.

Given the value of a resplendent view, it is important to know that our system of laws doesn't do much to protect one private citizen's view from the actions of another. Unless you have attained some type of easements from your neighbors, they are probably free to obstruct your view by building fences, growing poplar trees and erecting second stories on their homes.

Governments can enact regulations and ordinances which preserve scenic vistas. One of the best examples of this type of regulation is found in Washington D.C. where Congress passed the Heights

of Buildings Act in 1899. The act limits the height of buildings in Washington to no higher than the height of the U.S. Capitol. With slight amendments, this act has preserved a low skyline in Washington allowing residents and visitors to enjoy the city's many historical landmarks with unobstructed views.

However, the federal government has more power to regulate the obstruction of views than states and municipalities.

The California Coastal Commission's efforts to protect views of the coast and ocean have had mixed success. In a significant court decision, *Nollan v. California Coastal Commission*, the United States Supreme Court reviewed a regulation which attempted to place restrictions on the construction of a new home because it would interfere with viewing the ocean. The Court ruled that the Commission's actions were an unjust taking of private property. This decision has been applauded by advocates for private property rights.

One of the more interesting examples of attempts to preserve views is the growing trend of communities to enact light pollution ordinances. The motivation for these regulations is the realization that it is becoming increasingly difficult to enjoy the view of a starlit evening. These regulations place some limits on the intensity of outdoor lighting that may be used. Despite these efforts, star gazing is becoming a lost pleasure.

Given the difficulty of protecting a view and the propensity for ongoing development to diminish vistas, the view of a beautiful sunset may provide the best lesson for the enjoyment of any magnificent view. Pause to savor the view while it lasts because there may be forces at work that will make it disappear.

Top of Utah Voices



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Commentary

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