

South Dakota law, using Montana's "approaches to municipalities and inter-sections concept," provides in part as follows: "To effectuate the declared purposes of this Act, particularly to provide for the orderly and coordinated growth and development of the state by implementing a policy of land use adjacent to the Interstate and Primary System highways within this state, in conjunction with the State Comprehensive Development Plan established by Chapter 226 of the Session Laws of 1966, all lands lying outside of municipalities and within 660 feet of the nearest edge of the rights-of-way of said highways are hereby zoned as commercial as follows:

- "(1) For a distance of fifteen miles * * * outside of and beyond the corporate limits of municipalities of the first class * * *;
- "(2) For a distance of ten miles * * * outside of and beyond the corporate limits of municipalities of the second class * * *;
- "(3) For a distance of five miles * * * outside of and beyond the corporate limits of municipalities of the third class * * *;
- "(4) For a distance of five miles outside of and beyond the inter-sections of said highways, or of the intersections of said highways with State Secondary System highways, directly along, and without deviation from, the routes of all such highways from the point of intersections; and
- "(5) For a distance of five miles directly along and without deviation from, any Interstate System highway in both directions from an interchange located thereon."

The South Dakota law is in other respects closely similar to that of Montana. For example, it gives the right to re-zone to the counties, but goes further than Montana in also giving such a re-zoning power to the State Planning Commission. The legislature's commercial zoning is also subject to the power of the Planning Commission to bar signs by designating any strips of land as necessary for "the restoration, preservation or enhancement of scenic beauty." The South Dakota law, by its Section 5, creates a Highway Beautification Advisory Committee to advise the Planning Commission, with the duty to "review and analyze all such zoned areas and make detailed findings of fact and recommendations to the State Planning Commission for its use in determining the necessity for designating all or portions of such zones for the purposes set forth in this section, and to periodically review all such lands so designated to determine any changes, modifications or redesignations which might be necessary and to recommend same to the commission; * * *"

Also, like the Montana law, the South Dakota law specifies numerous roadside commercial uses which are permitted in the various "approaches" zoned commercial by the legislature as aforesaid.

Utah: Open-End. However, Utah's Compliance Law (Senate Bill 94 of 1967), which placed the duty to negotiate the Federal-State agreement in the Governor, made a strong suggestion for a proper and reasonable definition of unzoned commercial or industrial areas. After first referring to the infamous National Standards reported to Congress on January 10, 1967, as a starting point for negotiation, Utah's Section 5 provides: "This agreement shall incorporate to the extent possible the following exceptions to such federal standards by reason that these exceptions constitute "customary usage" in this state as contemplated by the Highway Beautification Act of 1965:

"(1) Unzoned commercial or industrial areas: (a) Including as an unzoned commercial or industrial area, those areas located within the approaches to incorporated and unincorporated cities and towns which are zoned or unzoned and are determined by the appropriate local zoning authority to be reasonably suited for outdoor advertising, and those lands occupied by the regularly-used buildings, parking lots, storage or processing areas of one or more separate and distinct commercial and/or industrial activities located on the same side of the highway and, if two or more, lying not more than 1,000 feet apart; and

"(b) the lands lying between such activities, if any, and those lands along the highway for a distance of 1,000 feet, immediately adjacent to the outermost or end activity or activities regardless of the highway frontage occupied; and

"(c) those lands directly opposite on the other side of the highway to the extent of the dimensions set forth herein."

Thus the Utah legislature proposed the "approaches" plan of Michigan, Georgia, Indiana, Montana, South Dakota, and (see below re laws passed in 1968)