

The Politics of Land Use Controls

NOBLE INTENTIONS FATALLY EXECUTED

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The following paper was presented at the July 3, 1974 meeting of the University of Missouri (Columbia) Land Use Committee which acts as an interdisciplinary information exchange and educational conduit. While "The Politics of Land Use Controls: Noble Intentions — Fatally Executed" does not deal with Housing per se, it does deal with a basic piece of the Housing mosaic — that of land and the constant conflict over its use, type of use, and nonuse. Ballard's paper, while referring in some cases to Missouri, has implications for the entire nation and its states. In a style reminiscent of Mark Twain he brings us face to face with the reality of power and its frequently "negative" results before he leads us to a cautious "optimism" founded on the conceptual pillars of "information" and "insulation." The article is important to us as housing educators because it deals with power which must be faced, before practical considerations can be applied to land and housing and raising a family; and on occasion housing educators have selected to ignore power or deal with it too gently. It is a mistake to ignore or deal lightly with the foundation of a house — so too with power.

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The history of planning, use control, and land policy in the United States is replete with devious manipulations, assorted skulduggery and triumphs of money over morals. The politics of land use controls has

made the entire concept suspect in a sizeable segment of the public mind. Missourians, considerably exceeding the national norms in skepticism and suspicion, have traditionally taken a rather dim view of the entire idea.

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The recent turnabout on the part of several long-standing opponents of land use controls is deceptively attractive. Such a reversal of field can readily be taken as a harbinger of the new enlightenment, particularly in areas tangential to the mainstream. The "enlightened" are ever-ready to overascibe, this being a seeming side effect of the enlightening process. This view is incorrect.

Today's circumstances are analogous to a now forgotten part of our country's past. The pilgrim fathers, despite sentimental remembrances to the contrary, had nothing whatever against religious persecution. The driving force behind their emigration was rather a quest for role reversal. They aspired to become persecutors instead of persecutees. In our sentimental attachment to things good and wholesome, and with characteristic disregard for contrary data, this facet of colonial history seldom receives even dishonorable mention.

The current reexamination of attitudes of opposition to land use controls across rural America contains trace elements of enlightenment; but more than a modicum of Marxism. The have-nots are demanding a piece of the action. The traditional victims of controls have discovered that control of the mechanism for policy making allows the direction of manipulations to be determined by the interests of the controllers. Land use controls traditionally used for legitimation by developmentally oriented interests may be moving into the hands of antidevelopmental interests.

Fascinating as such nitty-gritty details are, addressing such an esoteric topic as "Politics of Land Use Cotnrols" demands consideration of broader questions. Basic to any philosophy, conceptual framework or rationale for land use controls is one central underlying assumption: objective decision making capability. If a democratic society is to align the full weight of law behind land use

controls, the foundation of these controls must be more substantial than "Who gets rich" and "Who gets hurt"? A capability for reaching objective decisions stands, like a person, on two legs; information and insulation.

Information for determining land use policies is easy to gather. With the advent of computer science a statistical snowball was started down a hillside, gathering and gaining with each roll. A plethora of information is available; a plentitude. Advancing technological ledgerdmain has made possible the inflation of fragmentary bits of information to grandiose prognostications. Two precincts in Vermont can project the outcome of a nationwide election. There is no information shortage. Ample information for controls decision making is readily available. The question that must be asked concerning information is easily lost, given the mountain of data readily at hand: Is it complete? "Adequate" information is not enough. The requirement, if an objective decision is to be reached, is complete information.

Here, despite glamorous hardware and mind-boggling mountains of data, capability falls short. Complete information is never available, since intervening factors always appear. The most carefully considered calculations, today even as in Burns' time, "Gang oft agley". The story is overtold since the energy pinch of the planners' finding at the turn of the century, based on "adequate" information as complete as existed, that New York City's growth limit was severely constrained by the capacity for handling horse manure. An intervening factor modified the entire equation. This incident prepresents not a coincidental aberration but rather a typical example. The marvelously unpredictable human segment of the calculation intro-

duces an incalculable dynamic.

The information explosion of recent years introduces an element of danger into informational evaluation. Given the normal and adding the academic propensity for assumptions of superiority, and the quantities of available data so exceeding that available to our antecedents, the assumption of completeness flows as readily as the river to the sea. Yet an isolated, almost insignificant happening someplace can blow the whole thing into a cocked hat. Complete information is not available, simply because it does not exist.

Insulation is another matter. Objective decisions require a near vacuum to insure consideration solely on merit. Consider this simple and quite typical example: A citizen requests a variance to construct on an open lot zoned residential a garage where he will employ one mechanic in addition to himself. To acquiesce would damage the residential character of the neighborhood and all similarly classified neighborhoods; correct? An industrialist requests a variance for the same lot, to construct a factory that will employ fifty persons. Would the same decision prevail? Are the objective merits different? Rationalization can make them so.

Proper insulation of decisions regarding land use controls requires the complete exclusion of all extraneous factors. Objectively considered, building in the floodplain is not to be allowed. This is what HUD is saying in the fiscal '75 budget regarding disaster assistance and flood insurance. This is what insulated horse sense would have said in 1800, had anyone been listening. How many overdeveloped floodplains in the country had the blessings of a control authority? Most of them.

Land use control decisions reached on

objective merit must be insulated from countermanding, and applicable across the board. Yet federal owners are immune to both state and local decisions, and state owners are immune to local controls. This can immeasurably alter a well-considered plan, and frequently does in the Ozarks. Once again, intervening factors are beyond the capacity of the controllers.

Summarizing, then, ideal land use controls require a capability for reaching objective decisions which in turn requires complete information and complete insulation, neither of which are possible. The conclusion is inescapable that land use control decisions are political decisions. The politics of land use controls then becomes the crux of land use controls.

There is nothing immoral or unholy or inherently wicked in politics. Politics is the fine art of compromise. Politics is conflict and its settlement. Politics is the business of democratic government. Immorality, unholiness, and wickedness appear, however, when political decisions are covered with a thin gauze of deception, labeled "objective" and levitated to a higher moral level.

So long as all participants understand that land use decisions are political decisions, normal political processes can occur. Power can counter power. Influence can combat influence. Decision-making can embrace, as should all political decisions, the maximum available information and the highest achievable degree of insulation. This much land use controls can accomplish, and no more. When under the banner of objectivity normal political channels are sealed off to a segment or segments of society, land use controls become a sham and a fraud; a legitimizer for the imposition of goals that could not pass the process of free selection.