Myths and Debates on Smart Growth and Sprawl

I teach an undergraduate course on urban and environmental planning at the University of Michigan. We don’t offer an undergraduate degree in planning, so I always ask my students early in the term why they are taking the course. “Sprawl” is consistently the concern that draws the vast majority of them there (that, and the exceptional reputation of the professor, of course!). These students often cannot give me a precise definition of what “sprawl” is—a term still debated by academics and pundits alike, but they know it when they see it and they don’t like what they see.

This is not some idealistic cause-of-the-day. Sprawl, however defined, has become a topic of great concern for many people across the country for a number of reasons. It concerns environmentalists because it expands the ongoing fragmentation of natural areas, urbanization of prime agricultural lands, and degradation of water and air quality. It concerns social advocates because it reflects the continued evisceration of central cities, leaving the poor and disenfranchised behind. It even concerns fiscal conservatives because it yields great inefficiencies in public infrastructure from the ever-expanding need to provide more and more roads, water, and wastewater service to fewer and fewer private landowners.

Indeed, sprawl is now so much a common concern that a growing number of states—including Michigan—are openly contemplating the adoption of so-called “smart growth” programs, intergovernmental growth management initiatives that would never have seen the light of day in many of these states—including Michigan—a short decade ago. Even so, this growing call for smart growth has not gone unanswered.

In addition to its historical roots in the design professions, planning is a public policy making process. As such, it is all about making arguments for why we, acting collectively, should do one thing or not do another and then deciding which of those arguments make the most sense. Much of the current debate about sprawl and growth management involves arguments about the numbers—how much does sprawl really cost and who really pays? At its core, however, the debate over smart growth implicates serious questions about the rights that come with private property ownership and the prerogatives of government in constraining those rights. In that context, subtler, and more powerful, arguments beyond the costs of sprawl are frequently made as well.

These arguments often speak to myths of the American way of life. Some tend to support those in favor of lassie-faire policies toward land development, others those in favor of greater public regulation of private land use. Most amount to partial or misconstrued accounts of well-established legal principles that are crafted as powerful rhetoric. I try to teach my students to think critically about these arguments and to recognize that they should be demythologized if we are to effectively address the problems we face. Here are some of the more persistent and problematic myths we address.

Myth 1: Americans have a right to live wherever they want in the types of homes they want. This asserted right to “live wherever I want” is a myth because it only gives half the equation. All rights bring with them responsibilities. My right to do whatever I want presumes that I do so without hampering my neighbor’s right to do whatever he or she wants; it imposes on me a responsibility toward my neighbor just as it imposes a responsibility on my neighbor toward me. In a broader context, asserting such a “right” fails to acknowledge that one’s choice of where and how one lives has implications for one’s community.

This relationship between private land rights and public responsibilities is nothing new. Even staunch conservatives acknowledge the common law of nuisance, which serves to prohibit uses of land that cause tangible harms to neighboring lands or the general public. What is new is the growing recognition of the social and environmental harms that sprawling land development creates. Questions
about when, where, and what kinds of private land development warrant some kind of public control are valid points for argument; simplistic claims of a “right to live wherever and however I want” are not.

**Myth 2: All property owners are created equal.** This is the oft-made assertion by landowners that “it’s not fair for government to tell me I cannot do what I want with my land (especially since that other landowner got to build what he wanted).” This assertion is problematic because it conflates separate principles that should not be conflated. In this country we have long affirmed that all humans are created equal, while recognizing that all land is not. All property owners are not created equal because the property they own is not equal. Indeed, a fundamental principle of Anglo-Saxon property law is that any given parcel of land is fundamentally unique.

This is true both from the profit-oriented perspective of a developer and the community-oriented perspective of government. Real estate agents, for example, will tell you that the fundamental determinant of real estate value is “location, location, location.” Similarly, local planners charged with protecting the environment will tell you that properties encompassing viable wetlands or endangered species habitat, for example, are in much greater need of protection than marginal upland pasture. Property owners seem to recognize this inequality intuitively and accept it with little reflection when they enter the proverbial market, yet they resist it fiercely when it confronts them in the statehouse. Even so, at least in principle a city council’s decision to regulate the use of a given piece of land to address identifiable social or environmental harms is no more “unfair” (and may be more rational) than the land’s market-derived price.

**Myth 3: Protecting the environmental [or preserving farmland, or providing affordable housing, or ... ] is the right thing to do, even if it means some greedy landowner won’t make a dime.** Coming from the other side of the debate, we should not accept uncritically the assumption that environmentalists and social advocates always and only have a larger public interest at heart. Regardless from which quarter we approach the issue, we all have our own motivations, some of them truly representative of a larger public interest (including a public interest in protecting the integrity of private property rights), some of them pretty narrow and selfish. Moreover, we all tend to think we’re right and to be very unsympathetic with those with whom we disagree. This is just as true for the avowed public interest advocate as it is for the private property rights advocate.

This raises difficulties when we try to discern whether arguments are reasonable or not. A neighborhood group’s fight against proposed duplex homes on a vacant lot in the name of the environment, for example, can appear suspiciously exclusionary rather than truly motivated by concerns for biodiversity. Protecting the environment, preserving farmland, or promoting other smart growth goals may be the right thing to do, and we should not dismiss good arguments for doing so because we are suspicious of someone’s “true” motivations. At the same time, we also should not accept questionable “public interest” claims that are more about protecting private concerns than public welfare. Moreover, we should recognize and address landowners’ reasonable expectations about the use of their lands, rather than summarily dismissing them as narrow and selfish or “all about the money.”

**Myth 4: Property ownership conveys a “right” to get as much economic return on one’s land as absolutely possible.** Just like a smart growth advocate’s claim to larger environmental or social interests should not be accepted uncritically, a property owner’s asserted right to as much profit as possible should not be accepted uncritically either. This claim is often made by private landowners who are either unhappy at discovering that they cannot build something, or who are fighting the imposition of some kind of regulation that will limit future development opportunities—the kind of limitations likely to come with a smart growth initiative.
The asserted right to maximum profits is often based on a misinterpretation of the 5th Amendment to the U.S. Constitution, which states in part: “nor shall private property be taken for public use, without just compensation.” The United States Supreme Court has indeed held that when a state (or local) regulation deprives a private property owner of all the economic value of his or her land, then the government has effectively taken the property and must provide just compensation. That holding should not be flipped on its head, however, to suggest that a landowner has a right to all the economic return a market might yield. And, indeed, the Court has refused to do so. Property ownership brings with it a right to a reasonable economic return on the land, balanced against the government’s reasonable exercise of its police power to protect the public interest; nothing more and nothing less.

**Myth 5:** If government declares that smart growth is in the public interest, then that’s all there is to say. While the myths discussed so far are typically made by property owners or interest group advocates, public officials are not immune from engaging in their own mythmaking sometimes. For a long time, public officials were fairly comfortable that any regulation they imposed in the name of “the public interest” would be upheld against constitutional attack. Recent U.S. Supreme Court jurisprudence has not been so deferential to this view. The Court has been especially critical of local actions when they are advanced under the rubric of the public interest yet seem designed to make a developer give up and go away or overreach in their demands on the landowner or developer.

A healthy skepticism about what the government is doing and why it is doing it is not a bad thing; planning generally and smart growth in particular can only be made better if planning advocates are forced to better justify the policies they propose. We should recognize the validity of decisions truly (and transparently) made for the purpose of protecting the public interest, but we should not accept uncritically government decrees just because they are cloaked in “public interest” robes.

**Myth 6:** Public officials are the only legitimate arbiters of the public interest, not “special interest groups.” A second myth—or perhaps a lament—sometimes voiced by public officials is that those pesky environmentalists, social activists, or other special interest advocates have no legitimate business proclaiming what is or isn’t in the public interest; that’s the job of the public officials. This claim is especially likely to be heard when those activists allege that public officials aren’t doing their job (or perhaps have been co-opted, maybe even corrupted).

We live in a constitutional republic, and it is true that elected representatives and appointed administrative officials have a duty to promote the interests of the larger public. In that sense, public officials are the truly legitimate (and responsible) parties for making public policy decisions. But it is also true that we live in a pluralistic society that is strengthened by healthy dissent and political activism. They may be pesky, but those environmentalists and social advocates have just as important a role to play in promoting their concerns as developers have in promoting their development projects and public officials have in making balanced policy decisions.

In the end, I hope to impress upon my students the realization that these are all difficult issues that do not lend themselves to simplistic or dogmatic solutions. Rather, we face long, hard discussions about what is needed, what is reasonable, and what is appropriate. Ensuring that those discussions are fruitful will require ensuring that the arguments made are sound, not the stuff of attractive—but unhelpful—rhetorical myth. The challenge is daunting, but should not be insurmountable.