

# THE LONE MOUNTAIN COMPACT: Principles for Preserving Freedom and Livability in America's Cities and Suburbs

## A Commentary

By Steven Hayward

For decades "urban sprawl" has been a perennial controversy in fast-growing states such as California, Florida, and Texas. In recent years, however, the term is applied to many once slow-growing cities and metro regions that, at last, are subject to accelerated growth, especially on their peripheries. The result is that what was originally an issue unique to select communities has indeed become a national issue. Public discontent over mounting traffic congestion, crowded public schools, and the loss of open space is easy to understand, but what should be done about these problems is anything but easy to discern. Notwithstanding the obvious complexities associated with urban growth and sprawl, there has emerged in the last several years a powerful movement with a set of purported answers. It calls itself "smart growth," which is a nifty piece of rhetorical packaging, because who after all would want to be associated with "dumb growth"?

There are four main aspects to smart growth. First, infrastructure (public works such as roads, sewers, water mains, schools, and so forth) should be more carefully "targeted" so that they will be more "efficient." In practice, "targeted" infrastructure means "less" infrastructure. Second,

new development should be more "transit-oriented," with provision for light rail lines or bus routes. This requires, third, that development be more "compact," or built to higher population densities than are typical of suburban development today. Fourth, urban growth boundaries, the linchpin of the Portland, Oregon plan, may be employed, though there is not unanimity on this point among smart growth advocates. Above all, smart growth requires "better planning," or "comprehensive" planning, which, some smart growth advocates say, can only be accomplished with a powerful regional government.

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No one, of course, would oppose "better planning" in the abstract, but on closer inspection it becomes clear that smart growth in practice will result in a significant centralization and expansion of power in the hands of planners. The troublesome consequence is that smart growth tends toward a manner of urban utopianism that will likely generate perverse results. This tendency can perhaps best be seen in the "Ahwahnee Principles," a manifesto on

smart growth produced in 1992 by the Congress for the New Urbanism. The Ahwahnee Principles are so named because they were generated at a conference at the Ahwahnee Hotel in Yosemite National Park in California. These guiding points are widely touted and have rather quickly become authoritative for many planning agencies. The President's Council on Sustainable Development endorsed them, and many local jurisdictions have incorporated them into their general plans. If a proposed development is deemed to be not in conformity with the Ahwahnee Principles, some planning agencies will turn down the respective building permit application.

Twenty-four statements comprise the Ahwahnee document.<sup>1</sup> The first two principles convey the overall character and tone, as noted below:

1. All planning should be in the form of complete and integrated communities containing housing, shops, work places, schools, parks and civic facilities essential to the daily life of the residents.
2. Community size should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other.

Although these and other smart growth ideas sound appealing and indeed inspire desirable images of 19<sup>th</sup> century village life, they nonetheless represent a false premise, which is this: Cities, towns, and communities are unitary artifices, susceptible to being shaped by the fine hand of planners. The truth, however, is that cities, towns, and neighborhoods are and will continue to be largely the result of long evolutionary processes.

There are some fine examples of well-planned cities and communities, including Kentlands, Maryland, and Irvine, California. There are many more examples of planning disasters, or of city plans that seemed suitable at the time they were built but were later deemed to have been defective in the face of changing circumstances. Laguna West in California is an example of a New Urbanist community that has not worked out as intended. The most famous example of botched planning is Brazilia, the capital city of Brazil, which sprang full blown from the leading ideas of urban planners, and is generally acknowledged to be one of the least appealing and most dysfunctional cities ever built. Similarly, Australians are known to regard their own capital city, Canberra, as the product of avant garde urban planning.

The lack of appreciation for the spontaneous, evolutionary nature of the social, economic, and technological trends that have transformed city life is the single greatest blind spot of utopian smart growth advocates. The aggressive implementation of smart growth by centralized planning bureaucracies is likely to generate perverse consequences, such as higher housing prices, transit systems that don't meet the mobility needs of the contemporary workforce, and above all, a new social conformity that will diminish the liberty and opportunity for many lower- and middle-income Americans.

Last summer the Political Economy Research Center (based in Bozeman, Montana) organized a conference of scholars and writers on the theme of urban sprawl. The attendees produced a document titled the "Lone Mountain Compact," so named for the conference location at Lone Mountain Ranch in Big Sky, Montana. The Compact is meant to serve as a counterbalance to the Ahwahnee Principles, and since its publication has drawn the endorsement of over

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<sup>1</sup> The complete Ahwahnee Principles can be found at [www.lgc.org/clc/library/ahwahnee/principles.html](http://www.lgc.org/clc/library/ahwahnee/principles.html).

100 scholars, writers, and other urban leaders.<sup>2</sup> It is certainly the hope of the Compact writers that their document takes its place alongside the Ahwahnee Principles as a guide to local and regional growth management strategies.

The purpose of this essay is to introduce the Compact by providing verbatim its Preamble and ten statements, followed by commentary on the same. The Preamble briefly sets out the problem:

The unprecedented increase in prosperity over the last 25 years has created a large and growing upper middle class in America. New modes of work and leisure combined with population growth have fueled successive waves of suburban expansion in the 20<sup>th</sup> century. Technological progress is likely to increase housing choice and community diversity even further in the 21<sup>st</sup> century, enabling more people to live and work outside the conventional urban forms of our time. These choices will likely include low-density, medium-density, and high-density urban forms. This growth brings rapid change to our communities, often with negative side effects, such as traffic congestion, crowded public schools, and the loss of familiar open space. All of these factors are bound up in the controversy that goes by the term “sprawl.” The heightened public concern over the character of our cities and suburbs is a healthy expression of citizen demand for solutions that are responsive to our changing needs and wants. Yet tradeoffs between different policy options for addressing these concerns are poorly understood. Productive solutions to public concerns will adhere to the following fundamental principles.

**Statement 1. The most fundamental principle is that, absent a material threat to other individuals or the community, people should be allowed to live and work where and how they like.**

Comment: This principle was inspired by John Stuart Mill’s famous essay *On Liberty*, and is necessary to restate because land use planning, especially in its ambitious “comprehensive” form, often tramples on the rights and liberties of citizens, and is incompatible with a free society. The rebuttal to all regulatory regimes is the free interplay between individuals and the marketplace.

**Statement 2. Prescriptive, centralized plans that attempt to determine the detailed outcome of community form and function should be avoided.** Such “comprehensive” plans interfere with the dynamic, adaptive, and evolutionary nature of neighborhoods and cities.

**Statement 3. Densities and land uses should be market driven, not plan driven.** Proposals to supersede market-driven land use decisions by centrally directed decisions are vulnerable to the same kind of perverse consequences as any other kind of centrally planned resource allocation decisions, and show little awareness of what such a system would have to accomplish even to equal the market in effectiveness.

Comment on Statements 2 and 3: The intensive regional land use planning called for by smart growth advocates seeks highly detailed outcomes, like jobs-housing balance, higher density residential development, more mass transit usage, more open space preservation, and so forth. This kind of planning represents a quantum jump from traditional zoning. As such, it represents a major increase in public sector resource allocation, chiefly the allocation of the amount of land and the strict regulation of

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<sup>2</sup> The Lone Mountain Compact and the complete list of signatories can be found following this article or at [www.tppf.org](http://www.tppf.org).

its uses. The irony should not be lost that, at a time when virtually the entire world is deregulating markets like telecommunications, transportation, banking, and energy, smart growth advocates are proposing stringent new government regulations on real estate development. Moreover, most smart growth advocates give little consideration to how planners can overcome the failings endemic to public sector resource control schemes, failings that indeed are rooted in the real world

limitations of any decision-making body to make correct ground-floor decisions based on a supposed comprehensive planning model. Indeed, the weakness of smart growth planning is compounded as the time horizon is lengthened, yielding even more perverse results. To appreciate the scope, multiply by several times the dire consequences associated with cable television regulation. After Congress re-regulated the cable TV industry in 1992, cable TV rates went *up*, exactly the opposite as was intended in the legislation. In such an arena, it is doubtful that the public sector can produce more "efficient" land use without introducing a host of unwanted side effects, like higher housing prices, and unintended consequences, like worse traffic congestion. The planners in Portland, Oregon have admitted these tradeoffs. In a 1994 report entitled "Metro Measured" (p. 45) Portland's regional government observed that "By the same token, the data suggest a public welfare tradeoff for increased density, reduced vehicle miles traveled (VMT) and higher nonauto travel. The downside of pursuing such objectives appears to be higher housing prices and reduced housing output." The Nobel laureate Friedrich Hayek wrote in 1961 that "We must not overlook the fact that the market has, on the whole, guided the evolution of cities more

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successfully, though imperfectly, than is commonly realized and that most proposals to improve upon this, not by making it work better, but by superimposing a system of central direction, show little awareness of what such a system would have to accomplish, even to equal the market in effectiveness."<sup>3</sup> Professors Harry Richardson and Peter Gordon of the School of Urban and Regional Planning at the University of Southern California have commented: "Any claims

for the cost of market failure [in land use] have to be balanced by an assessment of the costs of government failure . . . imperfect markets work better than imperfect government."<sup>4</sup>

**Statement 4. Communities should allow a diversity in neighborhood design, as desired by the market.**

Planning and zoning codes and building regulations should allow for neotraditional neighborhood design, historic neighborhood renovation and conversion, and other mixed-use development and the more decentralized development forms of recent years.

Comment: The smart growth movement is correct in its observation that rigid planning and zoning codes have stifled innovative community design, and often make historic preservation or renovation difficult or prohibitively expensive.

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<sup>3</sup> F.A. Hayek, *The Constitution of Liberty* (University of Chicago Press, 1960), p. 342.

<sup>4</sup> Harry W. Richardson and Peter Gordon, "Market Planning: Oxymoron or Common Sense?" *Journal of the American Planning Association*, Summer 1993.

Instead of calling for the abolition of overly restrictive zoning codes, however, smart growth advocates often call for instituting wholly new prescriptive zoning regulations that will undoubtedly cause a new set of distortions and negative consequences. It is smarter to abolish or greatly simplify planning and zoning codes, perhaps replacing them with some form of “performance zoning.”<sup>5</sup>

**Statement 5. Decisions about neighborhood development should be decentralized as far as possible.**

Local neighborhood associations and private covenants are superior to centralized or regional government planning agencies.

**Statement 6. Local planning procedures and tools should incorporate private property rights as a fundamental element of development control.**

Problems of incompatible or conflicting land uses will be better resolved through the revival of common law principles of nuisance than through zoning regulations which tend to be rigid and inefficient.

Comment on Statements 5 and 6: The tendency of smart growth advocates is to establish powerful regional planning agencies with little accountability to towns and neighborhoods. Elaborate planning and zoning codes, like all forms of regulation, seek to specify a rule for every imaginable circumstance, but in practice result in an expensive and stultifying bureaucracy. The contrary position offers more predictable outcomes;

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<sup>5</sup> For more information on flexible or “performance” zoning, see Douglas R. Porter, Patrick L. Phillips, and Terry J. Lassar, *Flexible Zoning: How It Works* (Washington: The Urban Land Institute, 1988); William D. Eggers, *Land Use Reform Through Performance Zoning* (Santa Monica, Cal.: The Reason Foundation, 1990).

planning decisions should be decentralized as far as possible. Neighborhood associations and private covenants have proven effective in preserving neighborhood character and orderliness. Property rights and nuisance law are superior means of resolving land use conflicts, and also provide an effective counterweight to “NIMBY” (Not In My Back Yard) abuse of zoning powers. A respect for property rights prevents people from using the political process to secure their private preferences (which is how NIMBYism typically operates), while a revival of common law principles of nuisance provides a fair method for preserving a neighborhood’s legitimate interests.

**Statement 7. All growth management policies should be evaluated according to their cost of living and “burden-shifting” effects.**

Urban growth boundaries, minimum lot sizes, restrictions on housing development, restrictions on commercial development, and other limits on freely functioning land markets that increase the burdens on lower income groups must be rejected.

Comment: There is a large body of academic research demonstrating that growth management results in higher housing prices, which disproportionately limits the housing choices of lower income groups.<sup>6</sup> Portland,

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<sup>6</sup> The best single summary of the scholarly research is William Fischel, “Do Growth Controls Matter? A Review of Empirical Evidence of the Effectiveness and Efficiency of Local Government Land Use Regulation,” Lincoln Institute of Land Policy Working Paper, May 1990. See also Samuel R. Staley, “Growth Controls: An Overview of Their Impacts on Housing Values,” Urban Futures Program, Reason Foundation, Los Angeles, California, June, 1997; Samuel R. Staley, Ph.D., Jefferson G. Edgens, Ph.D., and Gerard C.S. Mildner, Ph.D., *A Line in the Land: Urban-growth Boundaries, Smart Growth, and Housing Affordability*, Urban Futures Program,

Oregon, for example, has gone from being one of the most affordable housing markets in the nation to one of the most expensive in less than 20 years. The smart growth movement either ignores this problem, or recommends still more regulations (chiefly “inclusionary zoning,” which amounts to production quotas) to remedy the problem. But such regulations can be shown to be ineffective. Many in the smart growth movement also wish to ban or restrict “big box” retailing (e.g., Walmart, Price Club, Home Depot, etc.), despite the fact that such retailers deliver lower prices to consumers and are especially popular with lower income groups. This kind of deliberate interference with the marketplace is unacceptable.

**Statement 8. Market-oriented transportation strategies should be employed, such as peak period road pricing, HOT lanes, toll roads, and de-monopolized mass transit.**

Monopoly public transit schemes, especially fixed rail transit that lacks the flexibility to adapt to the changing destinations of a dynamic, decentralized metropolis, should be viewed skeptically.

Comment: Smart growth puts heavy emphasis on intensive planning (such as “jobs-housing balance”) and mass transit as its primary remedy for traffic congestion. These schemes are destined to fail. Market-oriented policies will be much more successful at providing immediate, practical solutions to congestion.

**Statement 9. The rights of present residents should not supersede those of future residents.**

Planners, citizens, and local officials should recognize that “efficient” land use must include consideration for household and consumer wants, preferences, and desires. Thus, growth controls and

land-use planning must consider the desires of future residents and generations, not solely current residents.

Comment: Often towns and neighborhoods justify restrictive regulations under the guise of “preserving our quality of life.” While this sentiment is understandable in the face of rapid change and growth, it can too easily lead to restrictions that compromise the ability of future generations to pursue their own quality of life. Smart growth in practice will often mean foreclosing the opportunities to realize the American Dream of future generations, and should be eschewed for this reason.

**Statement 10. Planning decisions should be based upon facts, not perceptions.**

A number of the concerns raised in the “sprawl” debate are based upon false perceptions. The use of good data in public policy is crucial to the continued progress of American cities and the social advance of all its citizens.

Comment: The public discourse about sprawl is marred by alarmist clichés about “running out of farmland” or “the paving of America.” Most of these clichés have no basis in fact. For example, only about 5 percent of the continental U.S. is developed, and the rate of development, depending on the estimate believed, is between .07 and .15 percent per year. The conventional wisdom about traffic congestion—namely, that congestion is the result of spreading out into low-density suburbs and commuting long distances to work—is also mistaken. The main reasons for increasing traffic congestion over the last generation include women joining the workforce in large numbers (meaning many households now have two commuters), increasing numbers of minorities with cars, rising general affluence (which means more discretionary non-work trips), and declining public sector investment in

new highways and road improvements.<sup>7</sup> Gross misperceptions of reality are never a sound basis for making public policy or sweeping new regulations.

### **Conclusion**

The problems of cities and suburbs in our modern economy are highly complex and not easily ameliorated. The great urban affairs writer Jane Jacobs observed in 1969 that “A city that is large for its time is always an impractical settlement because size greatly intensifies whatever serious practical problems exist in an economy at a given time.”<sup>8</sup> Ambitious planning schemes that are utopian in character and clearly fail to grasp policy tradeoffs will most likely make our metropolitan problems worse. The best public policy strategies for confronting the problems of our metropolitan areas will be those that derive from classic principles of American liberty and those that respect the modern experience with the cognitive limitations of large schemes of regulation. The Lone Mountain Compact is designed with exactly this purpose in mind.

For more information and background on these principles and other aspects of smart growth, see *A Guide to Smart Growth: Shattering Myths, Providing Solutions*, edited by Jane S. Shaw and Ronald D. Utt, (PERC/Heritage Foundation, 2000). For an extensive bibliography of conservative sprawl-related articles and scholarship, see Ian Wyatt and Daniel Simmons, *The Problems With Planning: A Free-Market Guide To Suburban Development & “Urban Sprawl”*, (Washington DC: Competitive Enterprise Institute, March 1999), available at

[www.cei.org/monoreader.asp?id=664](http://www.cei.org/monoreader.asp?id=664).

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<sup>7</sup> See Alan E. Pisarski, *Commuting in America II: The Second National Report on Commuting Patterns and Trends* (Eno Transportation Foundation, 1996); see also Alan E. Pisarski, *Cars, Women, and Minorities: The Democratization of Mobility in America* (Competitive Enterprise Institute, 1999).

<sup>8</sup> Jane Jacobs, *The Economy of Cities*, (New York:Random House, 1969), p. 103.

# **THE LONE MOUNTAIN COMPACT: Principles for Preserving Freedom and Livability in America's Cities and Suburbs**

The phenomenon of urban sprawl has become a pre-eminent controversy throughout the United States. Recently a number of scholars and writers, gathered at a conference about the issue at Lone Mountain Ranch in Big Sky, Montana by the Political Economy Research Center, decided to distill their conclusions into the following brief statement of principles. The authors have called this statement the "Lone Mountain Compact," and have invited other writers and scholars to join in endorsing its principles. A partial list of signatures appears at the end.

## **Preamble:**

The unprecedented increase in prosperity over the last 25 years has created a large and growing upper middle class in America. New modes of work and leisure combined with population growth have fueled successive waves of suburban expansion in the 20<sup>th</sup> century. Technological progress is likely to increase housing choice and community diversity even further in the 21<sup>st</sup> century, enabling more people to live and work outside the conventional urban forms of our time. These choices will likely include low-density, medium-density, and high-density urban forms. This growth brings rapid change to our communities, often with negative side effects, such as traffic congestion, crowded public schools, and the loss of familiar open space. All of these factors are bound up in the controversy that goes by the term "sprawl." The heightened public concern over the character of our cities and suburbs is a healthy expression of citizen demand for solutions that are responsive to our changing needs and wants. Yet tradeoffs between different policy options for addressing these concerns are poorly understood. Productive solutions to public concerns will adhere to the following fundamental principles.

## **Principles for Livable Cities:**

- 1. The most fundamental principle is that, absent a material threat to other individuals or the community, people should be allowed to live and work where and how they like.**
- 2. Prescriptive, centralized plans that attempt to determine the detailed outcome of community form and function should be avoided.** Such "comprehensive" plans interfere with the dynamic, adaptive, and evolutionary nature of neighborhoods and cities.
- 3. Densities and land uses should be market driven, not plan driven.** Proposals to supersede market-driven land use decisions by centrally directed decisions are vulnerable to the same kind of perverse consequences as any other kind of centrally planned resource allocation decisions, and show little awareness of what such a system would have to accomplish even to equal the market in effectiveness.

- 4. Communities should allow a diversity in neighborhood design, as desired by the market.** Planning and zoning codes and building regulations should allow for neotraditional neighborhood design, historic neighborhood renovation and conversion, and other mixed-use development and the more decentralized development forms of recent years.
- 5. Decisions about neighborhood development should be decentralized as far as possible.** Local neighborhood associations and private covenants are superior to centralized or regional government planning agencies.
- 6. Local planning procedures and tools should incorporate private property rights as a fundamental element of development control.** Problems of incompatible or conflicting land uses will be better resolved through the revival of common law principles of nuisance than through zoning regulations which tend to be rigid and inefficient.
- 7. All growth management policies should be evaluated according to their cost of living and “burden-shifting” effects.** Urban growth boundaries, minimum lot sizes, restrictions on housing development, restrictions on commercial development, and other limits on freely functioning land markets that increase the burdens on lower income groups must be rejected.
- 8. Market-oriented transportation strategies should be employed, such as peak period road pricing, HOT lanes, toll roads, and de-monopolized mass transit.** Monopoly public transit schemes, especially fixed rail transit that lacks the flexibility to adapt to the changing destinations of a dynamic, decentralized metropolis, should be viewed skeptically.
- 9. The rights of present residents should not supersede those of future residents.** Planners, citizens, and local officials should recognize that “efficient” land use must include consideration for household and consumer wants, preferences, and desires. Thus, growth controls and land-use planning must consider the desires of future residents and generations, not solely current residents.
- 10. Planning decisions should be based upon facts, not perceptions.** A number of the concerns raised in the “sprawl” debate are based upon false perceptions. The use of good data in public policy is crucial to the continued progress of American cities and the social advance of all its citizens.

For more information and background on these principles, see *A Guide to Smart Growth: Shattering Myths, Providing Solutions*, edited by Jane S. Shaw and Ronald D. Utt, (PERC/Heritage Foundation, 2000).

*The Lone Mountain Coalition is an ad hoc, informal consortium of individuals committed to the principles contained in the Lone Mountain Compact. Endorsement of the Lone Mountain Compact does not necessarily imply unanimous agreement with every principle. Organizational names are for identification purposes only, and do not necessarily imply any organizational endorsement of either the Lone Mountain Compact or the Lone Mountain Coalition.*

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